

# The Gazette of India



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**NOTICE**

The under mentioned Gazettes of India Extraordinary were published upto the 13th May 1959 :—

Issue No.	No. and date	Issued by	Subject
74	S.O. 1068, dated 8th May, 1959	Ministry of Information and Broadcasting.	Consideration of the recommendations of the Film Advisory Board Bombay and approval thereof.
75	S.O. 1069, dated 8th May, 1959	Ministry of Steel, Mines & Fuel.	Giving notice to acquire lands described therein
76	S.O. 1070, dated 8th May, 1959.	Do.	Notice to acquire lands as specified in the Schedule thereof.
77	S.O. 1071, dated 11th May, 1959.	Ministry of Labour & Employment	Extension of the period of operation of the Award of the Industrial Tribunal, Bombay.
78	S.O. 1129, dated 13th May, 1959.	Ministry of Information and Broadcasting.	Approval of the Films specified in the schedule thereof.
	S.O. 1130, dated 13th May, 1959.	Do.	Corrigendum to Statutory Order No. 690, dated the 26th March 1959.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

**ELECTION COMMISSION, INDIA**

*New Delhi, the 15th May 1959*

**S.O. 1132.**—The Notification No 82/4/59 dated the 22nd April, 1959, issued by the Election Commission under sections 86, 87 and 88 of the Representation of the People Act, 1951 and published in the Gazette of India, Part II Section 3(ii) dated the 2nd May, 1959, is hereby cancelled

[No 82/4/59]

**S.O. 1133.**—Whereas the election of the person named in column 1 of the schedule below, as a member of the House of the People, from the constituency specified in the corresponding entry in column 3 thereof, has been called in question by the election petitions duly presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by the persons whose names and addresses are given in the corresponding entries in column 2 of the said schedule;

And whereas the Election Commission has caused a copy each of the said petitions to be published in the official gazette and has served a copy each thereof by post on the respondent under sub-section (1) of section 86 of the said Act.

Now, therefore, in exercise of the powers conferred by sections 86, 87 and 38 of the said Act, the Election Commission hereby appoints Shri V. B. Raju, District and Sessions Judge, Nagpur, as the Member of the Election Tribunal for the trial of the said petitions and Nagpur as the place where the trial of the petitions shall be held.

#### SCHEDULE

Name of the person whose election has been called in question	Name and address of the person by whom the election petition has been presented	Constituency
1	2	3
Shri Madhava Shreehari Aney	Shri Lashmikant Mahadeo Chakradeo, 318, Charni Road, Bombay.	Nagpur
Shri Madhava Shreehari Aney	Shri Baburao Tatyaji Bhonsle, Journalist, Badkas Chowk, Nagpur-2.	Nagpur

[No. 82/4/59.]

By Order,

DIN DAYAL, Under Secy.

#### MINISTRY OF HOME AFFAIRS

New Delhi, the 9th May 1959

**S.O. 1134.**—In exercise of the powers conferred by section 33 of the Laccadive Islands and Minicoy Regulation, 1912 (1 of 1912) the Central Government, after considering the report of the Inquiring Officer, namely, Administrator of the said Islands, made in pursuance of the rules published in the notification of the Ministry of Home Affairs No. 71/19(2)/58-ANL, dated the 13th August, 1958, along with the connected records of the proceedings, hereby prohibits the under-mentioned persons who are not natives of the said Islands from visiting or taking up residence in the Minicoy Island:—

- (1) Pullat Moideen Kutty, S/o Pallat Moosa Hajec, C/o Mechar Abubacker & Bros., Cannanore City
- (2) Chirattiyattam Abdulla, S/o Pokker, C/o Mechar Abubacker & Bros., Cannanore City.
- (3) Madathil Hussain Kunhi, S/o Batta Kolach Muhamed Kunhi, Anayidukku, Cannanore City.
- (4) Valappil Abdul Hameed, S/o Mammu Hajee, Cannanore.
- (5) Thadikkarantavide Bamban, S/o Valippintakath Muhammad, Cannanore.
- (6) Mancheri Kandi Abdulla Kunh, S/o Mancheri Muhamad, Cannanore.
- (7) Vennachalil Hameed, S/o Hamsa, Cannanore
- (8) Akath Valappil Ahamad Kunhi, S/o Hassan, Cannanore.

[No. 71/7(1)/57-ANL.]

A. D. SAMANT, Under Secy.

*New Delhi, the 15th May 1959*

**S.O. 1135.**—In exercise of the powers conferred by entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify (i) Maharajkumar Kharagh Singh and (ii) Maharajkumar Guru Baksh Singh, brothers of the Maharaja of Nabha, for purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol and 1 rifle/gun.

[No. 16/21/58-P.IV.]

*New Delhi, the 18th May 1959*

**S.O. 1136.**—The Central Government is pleased to notify that the following sons of His Highness the Raja of Suket have been nominated by the said Ruler for the purposes of entry 2(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951:—

- (1) Rajkumar Shanti Singh.
- (2) Rajkumar Kamal Singh.
- (3) Rajkumar Rameshwar Singh.

[No. 16/5/59-Police-IV.]

C. P. S. MENON, Dy. Secy.

*New Delhi, the 16th May 1959*

**S.O. 1137.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, published with the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 607, dated the 28th February, 1957, namely:—

In Part II of the said Schedule, under the heading "General Central Service, Class II", sub-heading "The Andaman and Nicobar Islands", after the existing entries in columns 2, 3 and 4, the following shall be inserted, namely:—

2	3	4
<i>"Officiating appointment not exceeding six months"</i>		
Chief Commissioner.	Chief Commissioner.	All."

[No. F. 7/37/57-Ests(A).]

P. SITARAMAN, Dy. Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

New Delhi, the 14th May 1959

**S. O. 1138.**—Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 8th May 1959.

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	11,50,88,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,38,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	25,00,00,000	Subsidiary Coin . . . . .	2,83,000
National Agricultural Credit (Stabilisation) Fund . . . . .	3,00,00,000	Bills Purchased and Discounted :—	
<b>Deposits :—</b>		(a) Internal . . . . .	..
(a) Government . . . . .		(b) External . . . . .	..
(1) Central Government . . . . .	51,75,48,000	(c) Government Treasury Bills . . . . .	5,35,99,000
(2) Other Governments . . . . .	16,43,97,000	Balances held abroad* . . . . .	25,72,69,000
(b) Banks . . . . .	68,66,79,000	**Loans and Advances to Governments . . . . .	41,38,60,000
(c) Others . . . . .	117,95,46,000	Other Loans and Advances † . . . . .	87,68,11,000
Bills Payable . . . . .	16,20,57,000	Investments . . . . .	244,81,29,000
Other Liabilities . . . . .	45,61,93,000	Other Assets † . . . . .	13,11,43,000
<b>TOTAL</b>	429,64,20,000	<b>TOTAL</b>	429,64,20,000

\*Includes Cash & Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 12,25,04,000 - advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 13th day of May 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of May 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	11,50,88,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	17,74,72,30,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1786,23,18,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	178,00,89,000	
			TOTAL OF A. . . .	..	295,76,92,000
			B. Rupees Coin . . . .	..	129,68,77,000
			Government of India Rupee Securities . . . .		1360,77,49,000
			Internal Bills of Exchange and other commercial paper . . . .	..	..
TOTAL—LIABILITIES . . . .	..	1786,23,18,000	TOTAL—ASSETS . . . .	..	1786,23,18,000

K. G. AMBEGAOKAR,  
Deputy Governor.

Dated the 13th day of May 1959.

[No. F. 3(2)-BC/59.]

A. BAKSI, Jt. Secy.

## CENTRAL BOARD OF REVENUE.

## CORRIGENDUM

## INCOME-TAX

*New Delhi, the 12th May 1959*

**S.O. 1139.**—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act 1922 (11 of 1922) the Central Board of Revenue hereby directs that in their notification S.O. 928 No. 33 Income-tax dated the 27th April 1959 at pp. 1037-1038 of Part II, Section 3(ii) of the Gazette of India, dated the 2nd May 1959:—

*For*

"Central Circles I to XXVII".

*Read*

"Central Circles I to XXVII"

[No. 62(F. No. 50/24/59-I.T).]

B. V. MUNDKUR, Under Secy.

## THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

*Corrigendum to Notification No. 2/59, dated 30th March, 1959.**Bangalore, the 25th April 1959*

**S.O. 1140.**—Delete Sl. No. 2 under Col. 1 of the table appended to this office Notification No. 2/59, dated 30th March 1959 and under Col. 2 bracket 12-A and 212.

2. Renumber Sl. No. 3 under Col. 1 as Sl. No. 2.

[No. C. IV/16/105B.I.]

D. N. KOHLI, Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE  
GOA FRONTIER DIVISION, BELGAUM.

## NOTICES

*Belgaum, the 11th May, 1959***S.O. 1141.**—Whereas it appears that the marginally noted goods which were

1. Seven Packages  
containing husked  
betelnuts.

Mds. Srs.  
5 - 31

seized by the Range Officer,  
C. Ex. Sasoli in the jurisdic-  
tion of Ch. No. 44 in the  
vicinity of the Indo-Goa  
border on 1st January 1959

were imported by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-128/59 ]

**S.O. 1142.**—Whereas it appears that the marginally noted goods which were

1. Press Stud	227' grs.	seized by the P. & I.C.I.D.
2. -do-	240 Grs.	Border Control Karwar on
3. -do-	240 grs.	Angadi Majall Road in the
		vicinity of the Indo-Goa
		border on 27th December
		1958 were imported by Land

from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is here by called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags, under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-70/59.]

**S.O. 1143.**—Whereas it appears that the marginally noted goods which were

19 Bag- of be lenu's	Mds. 13-Srs. 24	seized by the Inspector of
Old blanke s.	2	C. Ex. F. S. Netarda and
Old bed sheets	4	S. R P. staff in the jurisdic-
		tion of Ch. No. 39 in the
		vicinity of the Indo-Goa
		border on 30th January 1959

were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item one noted in the margin.)

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the items at S. No 2 & 3 under Section 168 of the Sea Customs Act, 1878, and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-139/59.]

**S.O. 1144.**—Whereas it appears that the marginally noted goods which were

1. Twelve packages of husked	Mds. Srs.	seized by the Superinten-
berelnuts of 'Surai' varieties.	9 - 00	dent of C. Ex. Dodamarg in
2. Eleven packages of husked		the jurisdiction of Ch. No
berelnuts 'Surai' variety	8 - 24	42 in the vicinity of the
		Indo-Goa border on 22nd
		January 1959 were imported

by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dt. 7th December 1955 issued under Section 3 of the Import and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VII(b)10-129/59.]

S.O. 1145.—Whereas it appears that the			marginally noted goods which were	
1.	Beelnuts in 11 packages.	Mds.	Srs.	seized by the Inspector of Central Excise Sasoli at a place known as Lingachegalar in the jurisdiction of Ch. No. 43 in the vicinity of
		9	7	

the Indo-Goa border on 5th February 1959 were imported by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-140/59.]

S.O. 1146.—Whereas it appears that the marginally noted goods which were

Beelnuts in fine gunny bags	Mds.	Srs.	seized by the Inspector Central Excise Banda at a place known as Suryacha Dongar in the jurisdiction of Chowkey No. 32 in the vicinity of the Indo-Goa
	5	00	

Border on 22nd January 1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-143/59.]



**S.O. 1147.**—Whereas it appears that the marginally noted goods which were

1. Goa White Betelnuts	Mds. 2 Srs. 20
2. Constantino Portuguese Brandy	45 Bottles
3. White horse whisky	18 Bottles
4. Johnnie walker whisky	17 Bottles

seized by the Inspector of Central Excise Chikhali at a place known as Kamarda in the vicinity of the Indo-Goa border on 9th January 1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of

Commerce and Industries Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags, under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-105/59.]

**S.O. 1148.**—Whereas it appears that the marginally noted goods which were

1. Cloves	35 Srs.
2. -do-	32 Srs.
3. Petra Perfume (made in Germany)	15 Pk's. of 2 Dzs. of small bottles.
4. Mechame Lighters Parent 'Bora, Enira' (made in Austria)	8 pkts. of one Dozs. each.
5. Maggi.	1 Tin.
6. Press Buttons Rust proof spring press studs.	360 Pkts. of 36 each

seized by the Inspector of Central Excise Karmal at a place known as Juna Karmal Sari in the vicinity of the Indo-Goa border on 11th January 1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act.

1878 (in respect of items 1, 2, 3, 5 and 6 noted in the margin).

Government of India Ministry of Finance Department (C.R.) Notification No. 17/Cus., dated 7th March 1936 as amended by Ministry of Finance R. D. Notification No. 19/Cus., dated 22nd January 1952 issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 4 noted in the margin).

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3 If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-91/59.]

**S.O. 1149.**—Whereas it appears that the marginally noted goods which were

1. Constantino Portuguese Brandy	27 Bottles.
2. Johnnie Walker Whusky	11 -do-
3. Goawire Betelnuts	5 Seers*

seized by the Inspector Central Excise Chikhali at a place known as Jambhalicha Mal in the vicinity of the Indo-Goa border on 22nd January 1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act 1924 and the Government of India, Ministry of

Commerce and Industries Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3 If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(B)10-101/59 ]

**S.O. 1150.**—Whereas it appears that the marginally noted goods which were

1. Betelnuts in 13 packages.	Mds. Srs. 9—35
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seized by the Jamadar Ch. No. 42 of Sasoli Range at a place in the jurisdiction of Ch. No 41 in the vicinity of the Indo-Goa border on 30th

January 1959 were imported by land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55, dated 7th December 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, and Land Customs Goa Frontier Division, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-124/59.]

**S.O. 1151.**—Whereas it appears that the marginally noted goods which were

Constantino Portuguese Brandy	11 Bottles.
Betelnuts.	Mds. Srs. 9-10½
Cloves	1-38
4. Nita Spring fastners.	70 packets containing 140 gross.
5. Neweys Indent Hooks	24 packets containing 288 gross.

seized by the Sub-Inspector of Central Excise Amgaon at a place known as Kamarda in the vicinity of the Indo-Goa border on 15th March 1959 were imported by Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7th December 1955 issued under Section 3 of the Imports

and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly

[No. VIII(b)10-215/59.]

E. R. SRIKANTIA, Asstt. Collector

## MINISTRY OF COMMERCE AND INDUSTRY

*New Delhi, the 6th May 1959*

**S.O. 1152.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act 1955 (10 of 1955), the Central Government hereby makes the following further amendments to the Textiles (Production by Powerlooms) Control Order 1956, namely:—

In the said Order, (1) after clause 6A, the following clauses shall be inserted, namely:—

“6B. The Textile Commissioner, while issuing permission under Clause 6, shall specify the reed space of the looms to be acquired and installed.

6C. No producer who produces cloth on a powerloom shall effect or cause to be effected any alteration or conversion of reed space of any loom in his possession except with the permission in writing of the Textile Commissioner”;

(2) in clause 7, for the word and figure “clause 6”, the words, figures and letter “clauses 6 and 6C” shall be substituted.

[No. F. 23(3)Text(D)/59.]

M. S. SADASIVAN, Under Secy.

## ORDERS

*New Delhi, the 15th May 1959*

**S.O. 1153.**—IDRA/6/14.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints (1) Shri R. N. Warrior, who, in the opinion of the

Central Government is a person having special knowledge relating to the technical or other aspects of the scheduled industries engaged in the manufacture or production of Food Processing Industries, and (2) Prof. Radha Kumud Mookerjee, who, in the opinion of the Central Government is a person capable of representing the interests of consumers of goods manufactured or produced by the said scheduled industries, as members of the Development Council established for the said scheduled industries and makes the following amendments in the Order of the Government of India in the Ministry of Commerce and Industry S.O. 1346, dated the 1st July, 1958, namely:—

- (a) after entry No. 12B the following entry shall be inserted, namely:—  
 "12C. Shri R. N. Warrior, Deputy Technical Director, National Productivity Council, Golf Links, New Delhi."  
 (b) after entry No. 16A the following entry shall be inserted, namely:—  
 "16B. Prof. Radha Kumud Mookerji, 39, Ekdalia Road, Calcutta-19."

[No. 4(36)IA(II)(G)/58.]

*New Delhi, the 18th May 1959*

**S.O. 1154/IDRA/6/11.**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) the Central Government hereby appoints Shri K. C. Biswas as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 2821, dated the 31st August 1957 for the scheduled industry engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries" after entry No. 11C relating to the Director of Handlooms, Madras, the following entry shall be inserted, namely:—

- "11D. Shri K. C. Biswas, 34, Ganesh Chandra Avenue, Calcutta-13."

[No. 4(63)IA(II)(G)/58.]

A. K. CHAKRAVARTI, Under Secy.

**(Department of Company Law Administration)**

*New Delhi, the 14th May 1959*

**S.O. 1155.**—In continuation of this Department's notification dated 9th July, 1958, the Central Government hereby appoints Shri Kamal Kumar Ghosh, Officiating Court Liquidator attached to the High Court (of Judicature) at Calcutta, to continue to act *ex-officio*, as the Official Liquidator attached to the said High Court until further orders.

[F. No. PFG(13)-CLA/55.]

P. B. SAHARYA, Under Secy.

**MINISTRY OF STEEL, MINES & FUEL**

**(Department of Iron & Steel)**

**(Iron and Steel Control)**

*Calcutta, the 14th May 1959*

**S.O. 1156.**—The following Notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:—

**NOTIFICATION**

In exercise of the powers conferred by Sub-Clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Union Government, the Iron and Steel Controller hereby notifies the following special selling

prices for Bars (Base price) rolled by Un-Registered Producers from M.S. Slabs 4" thick, 28" wide, 72" long and 5" Square Blooms respectively:—

Materials	Base special selling prices Rate in Rupees per ton Ex. Works.	
	Long Ton.	Metric Ton.
(a) M.S. Bars rolled from M.S. Slabs. 4" thick, 28" wide & 72" long	Rs. 691.50	Rs. 680.57
(b) M.S. Bars rolled from M.S. Blooms 5" Square.	Rs. 706.50	Rs. 695.34

The above base special selling prices are subject to sectional extras as notified under Appendix I of the consolidated Price Notification dated 18th October, 1958 published under S.O. 2249-ESS. COMM/Iron & Steel-15(1) and 27(1) in Part II Section 3(ii) of the Gazette of India dated 1st November, 1958.

[No AP/5/59/III.]

A. S. BAM,  
Iron and Steel Controller.

**(Department of Iron and Steel)**

*New Delhi, the 18th May 1959*

**S.O. 1157/ESS. COMM/IRON AND STEEL-15(1) and 27(1)AM(3).**—The following Notification issued by the Iron and Steel Controller under clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:—

**"NOTIFICATION**

In exercise of powers conferred by Sub-clause (1) of clause 15 of the Iron and Steel (Control) Order 1956 and with the approval of the Central Government, the Iron and Steel Controller hereby notifies the following further amendment to Schedule III of the Iron and Steel Controller's Notification No S.O. 2249-ESS. COMM/IRON & STEEL 15(1) and 27(1) published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 1st November, 1958, namely:—

In the above said Schedule, Pig Iron—Standard Grades, after serial No. 14, the following shall be added, in the respective columns namely:—

Sl. No.	Grade	Analysis				Maximum Base Selling prices at all Rail head stations in India	
		Silicon per cent.	Manganese per cent.	Phosphorus per cent.	Sulphur per cent.	Col. I rate L/Ton	per ton. M/Ton
15.	Spun Pipe Foundry Grade	2.2/2.4%	0.45/0.5%	0.73/0.90%	0.05% Max.	Rs. 218/-	Rs. 214.56

A. S. BAM,

Iron and Steel Controller.

[No. F. SC(A)-2(232)/58.]

J. S. BAIJAL, Under Secy

**MINISTRY OF FOOD & AGRICULTURE**

**(Department of Agriculture)**

*New Delhi, the 23rd May 1959*

**S.O. 1158.**—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required

by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th July, 1959:

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

#### THE FRUIT PRODUCTS GRADING AND MARKING RULES 1958\*

1. **Short title and application.**—(1) These rules may be called the Fruit Products Grading and Marking Rules, 1958.

(2) They shall apply to fruit products manufactured in India.

2. **Definition.**—(1) In these rules, "Schedule" means a Schedule appended to these rules.

(2) "Fruit Product" means, processed or preserved fruit as defined in the Fruit Products Order, 1955.

3. **Grade designations.**—The Grade designations to indicate the quality of fruit products shall be as set out in the appropriate column of Schedules IV to VII of these rules.

4. **Definition of quality.**—The quality indicated by the grade designations shall be as set out in respect of such designations in Schedules IV to VII.

5. **Grade designation marks.**—(1) The grade designation marks shall consist of a label bearing a design (consisting of an outline map of India with the word "AGMARK" and the figure of rising Sun with the words "Produce of India") resembling the mark set out in Schedule I.

(2) The grade designation mark to be used on bottles shall consist of a round label or lid or capsule of the design and colour set out in Schedule II-A specifying the name of the product and the grade designation.

(3) The grade designation mark to be used on open-top sanitary cans shall consist of a square paste-on label of the design and colour set out in Schedule II-B specifying the name of the product and grade designation.

(4) The grade designation mark to be used on barrels shall consist of a rectangular tie-on label bearing the design and colour set out in Schedule II-C specifying the name of the product and the grade designation.

6. **Marking provisions.**—(1) The grade designation mark shall be securely affixed on each container in the manner approved by the Agricultural Marketing Adviser to the Government of India and such particulars as may be prescribed, from time to time, by the aforesaid officer, shall be marked on each label.

(2) The authorised packer may, after obtaining the previous permission of the Agricultural Marketing Adviser to the Government of India, mark his private trade mark on a container in a manner approved by the said officer, provided that the private trade mark does not represent quality or grade of the fruit product differing from that indicated by the grade designation mark affixed on the container in accordance with these rules.

7. **Method of packing.**—(1) Canned fruits and preserves shall be packed only in open-top sanitary cans made from suitable kind of tin plates.

(2) Squashes or chutneys shall be packed in clean and sound bottles.

(3) Chutneys shall be packed in new barrels made of oak or teak wood.

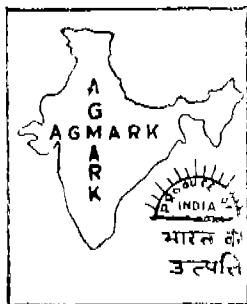
8. **Special conditions of certificate of authorisation.**—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule III shall be the conditions of every certificate of authorisation issued for the purpose of these rules.

9. **Repeal and savings.**—The Canned and Bottled Fruits and Fruit Products Grading and Marking Rules, 1942, are hereby repealed without affecting the previous operation of the said rules or anything duly done or suffered thereunder.

\*These rules are in addition to the Fruit Products Order, 1955.

## SCHEDULE I

See rule 5(1)

*Grade designation mark for Fruit Products*

In conjunction with a grade designation (Agmark Seal), the labels shall be of the following colours:—

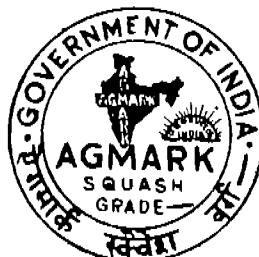
Grade Designation	Colour of the label
(i) Grade 1	Red
(ii) Grade 2	Blue
(iii) Grade 3	Green

The name of the fruit product shall also appear on the respective labels

## SCHEDULE II-A

See rule 5(2)

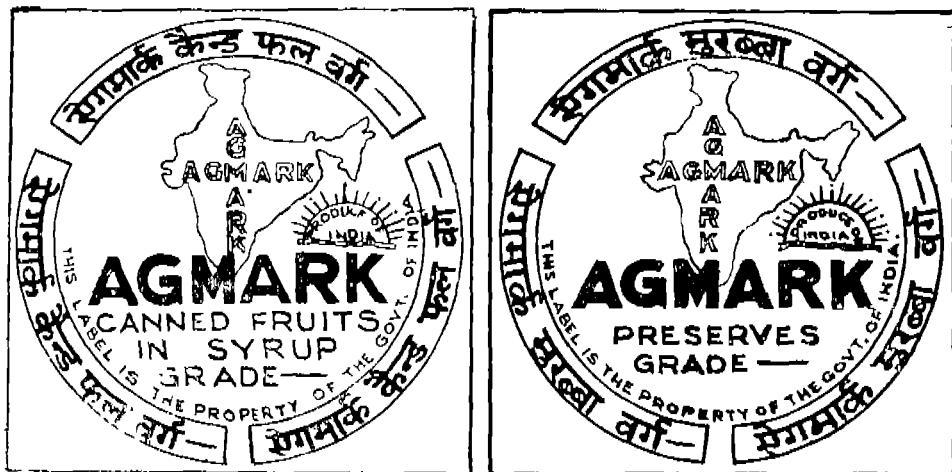
74

*Grade designation mark for bottles.*

Design of round label, lid or capsule

## SCHEDULE II-B

See rule 5(3)

*Grade designation mark for open-top sanitary cans*

Design of square paste-on labels.

## SCHEDULE II-C

See rule 5(4)

*Grade designation mark for barrels*

SERIAL NUMBER	<b>AGMARK</b> <b>MANGO CHUTNEY GRADE—</b> <b>आम की चटनी वर्ग—</b>
	BARREL FILLING NUMBER _____ DATE OF PACKING _____ NAME OF PACKER _____

Design of rectangular tie-on labels

## SCHEDULE III

See rule 8

*Special conditions of Certificate of Authorisation*

(a) An authorised packer shall keep records for such packing regularly—the quantities of different kinds of products packed and grade designation marks applied to them.

(b) An authorised packer shall provide bonded godown of suitable size to be approved by the Agricultural Marketing Adviser to the Government of India to store fruit products for the purpose of submitting for grading. The design and construction of the bonded godown shall be prescribed by the Agricultural Marketing Adviser to the Government of India and will have to be approved by him or by an officer authorised by him.



(c) The supervision over the grading and marking of all the fruit products shall be exercised by Inspecting Officers appointed by the Central Government or the Agricultural Marketing Adviser to the Government of India, as the case may be. Method of sampling will be according to instructions issued by the Agricultural Marketing Adviser to the Government of India.

(d) An authorised packer shall provide all reasonable facilities to Inspecting Officers for carrying on their work of supervision and analysis.

(e) Every holder of a Certificate of Authorisation shall, before, removing or permitting any other buyer to remove any consignment of graded and marked fruit products from the grading premises of the bonded godown, ensure that Inspecting Officers have had due notice, opportunity and facilities for carrying out check sampling and analysis in accordance with the special instructions that may be issued by the Agricultural Marketing Adviser to the Government of India, provided that no Inspecting Officer shall, except for special reasons, delay the removal of such consignments by more than fifteen days.

(f) The fruit products shall be graded by the manufacturer according to grade designation and the labels of proper grade shall be applied by him. He shall keep the results of his analysis for purpose of inspection and counter checking. The graded products shall not be disposed of unless the grades have been confirmed by the Inspector.

(g) The Inspector will take minimum of one per cent of the samples in number of units or in quantity from one lot and will check the grades at his laboratory and issue instructions for labelling according to the grade designations if there is any change in the grades fixed by manufacturer.

(h) An authorised packer shall not be paid for the samples collected for examination.

(i) An authorised manufacturer shall give the lot number and the date of manufacture in the case of every lot. In the case of canned fruits or where the process of manufacture is continuous the lot will comprise of one day's production.

SCHEDULE IV  
(See Rules 3 and 4)  
*Agmark Grade designations for canned fruits in Syrup*

Fruit	Varieties	Style of packing	Grades	Minimum drained weight of fruit	Soluble solids of covering liquid	Special characteristics	General characteristics for all grades
1	2	3	4	5	6	7	8
(i) Mangoes	Alfanzo, Banganpalli, Dusehri, Safeda, Langra & Totapuri.	Slices or Cubes.	1	60%	23 to 26	Grade 1 canned fruits in syrup shall consist of one fruit of the same varietal characteristic of practically the same uniform size and the colour of matured fruit will have all the fruits of one varietal characteristic and of practically inform size and symmetry of units possessing practically uniform bright colour which will be characteristic of well-matured fruit. The canned fruits will be practically free from defects from blemished or injured units and will have no extraneous material. It will possess practically inform good character having a typical good taste, texture and a structure without any material disintegration. Any individual defect in units shall not be more than 5% by count. The covering liquid shall be practically clear.	The fresh fruit to be canned shall be approaching maturity but will not be over-ripe, and it shall be free from blemish, stalks leaves and other extraneous matter. The only substances that can be added are sugar, water, citric acid and ascorbic acid. The fruits shall be properly prepared and packed according to the styles prescribed for individual packs. After processing, the fruits shall be firm and the covering liquid clear. The product shall not show any sign of bacterial growth when incubated at 37° C for one week. No preservative or artificial colouring matter shall be used. The space in the can head shall not be more than 5/8 inch. The drained weight of the fruit shall be determined by draining the fruits on a sieve of 10 meshes to a linear inch and of size 8 x 8 inch for five minutes.
(ii) Pineapples	Kew	Transverse slices of maximum thickness 1/4 inch properly cored and punched into uniform circles.					

(iii) Guavas . Allahabad Halves or quarters.

(iv) Oranges . Santra Segments  
(Mandarine)

The cans shall not show positive pressure at sea level.

(v) Pears . William Bart Halves or Quarters. 2 55% 20 to 23  
lett and Bhagh  
ughusha.

Grade II canned fruits in syrup will have all the fruits of one varietal characteristic and reasonably uniform size and symmetry of units possessing reasonably typical colour of reasonably well matured fruits. The canned fruits will be reasonably free from defects from blemished or injured units and will have not more than one small piece of harmless extraneous material. It will possess reasonably uniform character having a typical taste, texture and structure without any excessive disintegration. Any individual defect in units shall not be more than 7½% by count. The covering liquid shall be reasonably clear.

3 50% 19 to 20 Grade 3 canned fruits shall meet with the requirements laid down in general characteristics. However, any individual defect in the units shall not exceed more than 10% by count and the structure of the fruit pieces shall not be completely disintegrated.

NOTE :— Point system for quality grading of canned fruits in syrup.

Factor		Max. Points	Grade 1	Grade 2	Grade 3
(1) Colour (Maturity)	. . . . .	15	13	10	7
(2) Absence of defects—					
(i) Blemishes	. . . . .	10	17	14	11
(ii) Peel and Core	. . . . .	5			
(iii) Extraneous Matter	. . . . .	5			
(3) Characteristic of fruits—					
(i) Taste	. . . . .	10	25	21	17
(ii) Flavour	. . . . .	5			
(iii) Uniformity of size and symmetry	. . . . .	10			
(iv) Texture & structure (Disintegration)	. . . . .	5			
(4) Drained Weight	. . . . .	20	17	15	13
(5) Liquid—					
(i) Clarity	. . . . .	5	13	10	7
(ii) Brix	. . . . .	10			
TOTAL			100	85	55

SCHEDULE V  
(See Rules 3 and 4)  
*Agmark Grade designations for squashes*

Variety]	Grades	Minimum per- centage of fruit juice in the final product	Special Characteristics	General Characteristics
I	2	3	4	5
1. Orange 2. Lemon or Lime 3. Mango & 4. Pineapple	I	40% Except in case of Lime or Lemon.	Grade I squash will be prepared from one variety of fruit and will possess a natural flavour of fruit having uniform bright typical colour in container as well as a typical colour resembling to the natural fruit juice when diluted. The pulp of the juice shall be of uniform colour and shall not have seeds, specks or other extraneous matter from source of sugar and other ingredient. The pulp is separated will leave clear liquid in the body of the squash. The taste of the diluted squash shall have a balanced sugar acid ratio and will possess taste practically resembling to natural fruit juice. The packing shall be uniform and attractive and will be of good quality.	The only substances that may be added are fruit juice, water, peel oil, fruit essences and flavours, common salt, sugar, invert sugar and/or liquid glucose, ascorbic acid, citric acid permitted colours and preservatives. The acidity shall not be more than 3.5 per cent expressed as anhydrous citric acid. The finished product shall have a good flavour characteristic of the fruit used and be free from objectionable taints and flavours. It shall be of good keeping quality and should show no sign of fermentation. The squash shall be packed in clean, neat and unbroken containly. The labels shall be clear, neatly and securely affixed.
	II	33% Except in case of Lime or Lemon.	Grade II squash will be prepared from one variety of fruit and will possess a normal flavour of fruit having reasonably bright typical colour in container as well as a typical colour resembling practically to the natural fruit juice when diluted. The pulp of the juice shall be of reasonably uniform colour and shall not have more than one small piece of seeds, specks or other extraneous matter from source of sugar or other ingredient. The pulp if separated will leave reasonably clear liquid in the body of the squash. The taste of the diluted squash shall have a fairly balanced sugar acid ratio and will possess taste reasonably resembling to natural fruit juice. The packing shall be uniform and reasonably attractive and will be of fairly good quality.	
	III	25%	Grade III squash shall meet the requirements laid down in the general characteristics.	

NOTE:—Point System for quality Grading of Squashes.

Factor	Max. Points	Grade I	Grade II	Grade III
1. Colour . . . . .	30	25	21	17
(i) General . . . . . (10)				
(ii) Pulp . . . . . (5)				
(iii) Separated liquid . . . . . (5)				
(iv) Diluted squash . . . . . (10)				
2. Absence of defects Ex- traneous Matter . . . . .	10	9	7	6
3. Characteristic of taste and pulp . . . . .	30	25	21	17
(i) Sugar-acid Ratio . . . . . (5)				
(ii) Flavour . . . . . (10)				
(iii) Taste . . . . . (10)				
(iv) Practical size . . . . . (5)				
4. Solids . . . . .	15	13	11	8
5. Packing . . . . .	15	13	10	7
<b>TOTAL</b>	<b>100</b>	<b>85</b>	<b>70</b>	<b>55</b>

SCHEDULE VI  
(See Rules 3 & 4)  
Agmark Grade Designations for Mango Chutneys

Variety	Graded	Mould count	Yeast & spores	Special Characteristics	General Characteristics
I	2	3	4	5	6
Any suitable variety.	I	Shall be nil	Note in excess of 50 per 1/60 c.m.m.	Grade 1 chutney will be prepared from selected quality of mango slices of practically uniform shape and size having practically all non-fibrous units. The slices will show practically uniform colour and shall be practically free from blemished, diseased or injured units when examined after washing. The product will be practically free from harmless extraneous matter, dirt or grit which will not exceed $\frac{1}{2}$ % by weight of the net content. Any individual defect in units shall not be more than 5% count.	Mango chutney will be made from properly cured peeled mango slices prepared under hygienic conditions and inspected carefully before manufacture of chutney. All the ingredients used in the preparation of chutney shall be thoroughly cleaned. The only substances that may be added are salt, sugar, spices, vinegar, onion garlic ginger, permitted colour and preservative. The finished product shall have good and pleasing flavours, free from cooked or other objectionable taints or flavours. It shall be of good keeping quality and shall show no sign of fermentation when incubated at 28-30°C and 37° C. The mould count shall not be in excess of 40% of the field examined. The weight of the washed mango slices shall not be less than 40% of the net content. Chutney may be packed in wooden barrels or bottles. When barrels are used, these shall be new and will be made of oak or teak wood. When packed in bottles these will be clear, neat and unbroken and properly affixed with labels.
	II	Not in excess of 20% of the field examined.	Not in excess of 35 per 1/60 c.m.m.	Grade 2 chutney will be prepared from good quality mango slices of reasonably uniform shape and size having reasonably few units of fibrous texture. The slices will show reasonably uniform colour when washed, and will be reasonably free from blemished, diseased or injured units when examined after washing. The product will be reasonably free from extraneous matter, dirt or grit which will not exceed 1% by weight of the net content. Any individual defect in unit shall not be more than 10% by count.	
	III	Not in excess of 40% of the field examined.	Not in excess of 125 per 1/60 c.m.m.	Grade 3 chutney will meet the requirements laid down in general characteristics. However, individual defects in units shall not exceed 15% by count and the presence of harmless extraneous matter, dirt or grit shall not exceed 2% of the weight of the net content.	

NOTE :—Point system for quality grading of Mango chutneys.—

<i>Factor</i>	<i>Max. Points</i>	<i>Grade 1</i>	<i>Grade 2</i>	<i>Grade 3</i>
(1) Colour				
(i) General . . . . .	15	21	17	13
(ii) Washed fruits . . . . .	10 } 25			
(2) Absence of defects				
(i) Extraneous matter . . . . .	10	17	14	11
(ii) Blemished Units . . . . .	10 } 20			
(3) Characteristics of fruits				
(i) Size and shape . . . . .	10	17	14	11
(ii) Texture and structure . . . . .	10 } 20			
(4) Drained weight . . . . .	15	13	10	7



(5) Microbbological

(i) Mould	.	.	.	.	.	.	16			
(ii) Yeast	.	.	.	.	.	.	10	20		
							<hr/>		17	
							<hr/>			15
TOTAL	.	.	.	.	.	.	<hr/>		85	
							<hr/>			70
							<hr/>			13
							<hr/>			55

## SCHEDULE VII (See rules 3 and 4)

## Agmark Grade Designation for preserves (Murrabbas)

Fruit	Varieties	Style of packing	Size or weight of the individual fruit in		Minimum Percentage of fruit (drained wt.)			Soluble solids of covering liquid	Special characteristics	General characteristics
			Grade I	Grade II	Gr. I	Gr. II	Gr. III			
1	2	3	4	5	6			7	8	9
1. Apple	Amritsar	Whole	Minimum Transverse diameter 2.75".	Minimum Transverse diameter 2".	60%	58%	55%	68%	Grade I preserves will have all the fruits vegetables of one varietal characteristics and of practically uniform size and symmetry of units possessing practically uniform bright colour which will be characteristic of well-matured fruit. The fruit preserved will be practically free from defects from blemished or injured units and will have no extraneous material. Fruits or vegetables shall be practically free from excessive trimming or mechanical damage which may materially change the shape of any unit. Only tender fruits practically devoid of shreds etc. shall be used. It will possess practically uniform good character having a typical good taste, texture and structure without any material disintegration. The appearance of fruits shall	The fresh fruit to be canned shall be approaching maturity but will not be over-ripe, and it shall be free from blemish, stalks, leaves and other extraneous matters. The only substances that can be added are sugar, water, citric acid and ascorbic acid. The fruits shall be properly prepared and packed according to the styles prescribed for individual packs. After processing the fruit shall be firm and the covering liquid clear. The product shall not show any sign of bacterial growth when incubated at 37°C for one week. No preservative or artificial colouring matter shall be used. The space in the
	Banaras	Whole	Minimum two ounces by weight.	Minimum 1.20 oz. by weight.						
3. Mango	Any suitable variety.	Shredded or halved	Shreds not less than 3" in length and not more than 3/8" in thickness. Halves to be of full length of the fruit.	Shreds not less than 2" in length and not more than 2'8" in thickness. Halves to be of at least 3/4 of the length of the fruit.						
4. Carrot	Any suitable variety.	Whole or disc.	Max. diameter at any point 2".	Max. diameter at any point 2.5".						

5. Karonda	Desecded <sup>1</sup>	Whole.	Not more than 8 units to an ounce.	Not more than 12 units to an ounce.
6. Harrar	Kunj or any other suitable variety.	Whole	Not more than one unit to an ounce.	Not more than 2 units to an ounce
7. Pine-apple	Kew	Transverse slices <sup>1</sup> properly <sup>2</sup> cored and punched into uniform circles.	Maximum thickness of slices $\frac{1}{2}$ "	Maximum thickness of slices $\frac{5}{8}$ "
8. Petha	Local	Rectangular slices or any other type of form	Practically similar size and appearance of all units.	Reasonably similar size & appearance of all units.

be practically free transparent. The preserved fruits shall have conspicuous flavour of original fruit. It shall be practically free from sugar crystallization and show practically no sign of fermentation. The sugar penetration in individual unit shall be practically uniform and right up to the centre of the fruit. Only crystal sugar shall be used. When peeled the fruit or vegetable shall be practically free from unpeeled portions. Any individual defect in units shall not be more than 5% by count. The covering liquid shall be practically clear. The container used for packing shall be new and properly sterilized and sealed.

Grade 2 preserves will have all the fruits of one varietal characteristic and reasonably uniform size and symmetry of fruits possessing reasonably typical colour of reasonably well matured fruits. The preserved fruits will be reasonably free from defects from blemished or injured units and will have not more units and will have not more than one small piece of harmless extraneous materials.

Tender fruits reasonably devoid of shreds etc. shall be used. It will possess reasonably uniform good character having a typical taste, texture and structure without any excessive disintegration. The

canhead shall not be more than  $\frac{5}{8}$ ". The drained weight of the fruit shall be determined by draining the fruits on a sieve of 8 meshes to a linear inch and of size 8" x 8" for five minutes. The cans shall not show any positive pressure at sea level and the net content shall not be less than 85 per cent of the total volume.

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appearance of the fruits shall be reasonably transparent. The preserved fruits shall have reasonably conspicuous flavour of original fruits. It will be reasonably free from sugar crystallization and show reasonably no sign of fermentation. The sugar penetration in individual unit shall be reasonably through. Any individual defect in units shall not be more than 7½% by count. The covering liquid shall be reasonably clear.

Grade 3 preserves shall meet with the requirements laid down in general characteristics. However, and individual defect in the units shall not exceed more than 10% by count and the fruit pieces shall not be completely disintegrated.

*Point System for quality grading of preserves.*

Factor	Max. Points	Grade I	Grade II	Grade III
<b>1 General Characteristics :</b>				
(a) Size of the fruit . . . . .	15	49	37	27
(b) Sugar Penetration and concentration . . . . .	5			
(c) Appearance . . . . .	5			
(d) Drained weight . . . . .	10			
(e) Liquid—clarity . . . . .	10			
(f) Condition of containers . . . . .	10			
	55			
<b>2 Absence of defects :</b>				
(a) Shreds etc. depending on variety & maturity . . . . .	6	18	16	13
(b) Blemishes . . . . .	2			
(c) Peel and core . . . . .	2			
(d) Extraneous matter . . . . .	2			
(e) Sugar crystallization . . . . .	4			
(f) Signs of fermentation . . . . .	4			
	20			
<b>3 Characteristics of fruits :</b>				
(a) Taste . . . . .	10	18	17	15
(b) Flavour . . . . .	5			
(c) Uniformity of size and symmetry . . . . .	5			
(d) Texture and structure (disintegration) . . . . .	5			
	25			
<b>TOTAL</b> . . . . .	<b>100</b>	<b>85</b>	<b>70</b>	<b>55</b>

[No. F.4-70/57-AM.]

V. S. NIGAM, Under Secy.

**(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi, the 8th May 1959*

**S.O. 1159.**—Please read “N. Badrudecn” for the words “P. S. M. Badruddin” in this Ministry Notification of even number dated the 9th October, 1958.

[No. 8-2/58-Com. I.]

*New Delhi, the 12th May 1959*

**S.O. 1160.**—In pursuance of the provisions of sub-section (k) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby re-nominate Dr. A. C. Chhatrapati to be a member of the Indian Central Oilseeds Committee for a period of three years with effect from the 1st April, 1959.

[No. 6-7/56-Com.I/II.]

AJUDHIA PRASADA, Under Secy.

**MINISTRY OF HEALTH***New Delhi, the 13th May 1959*

**S.O. 1161.**—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendment in Part II of the Third Schedule to the said Act, namely:—

In the said Part II of the Third Schedule, after the entry (qualification) ‘M.D. (Munich)’, the following entry shall be inserted, namely:—

“Licentiate diploma awarded by the Medico-Surgical College of Nova-Goa”.

[No. F. 17-20/59-M.I.]

A. K. DAR, Under Secy.

*New Delhi, the 15th May 1959*

**S.O. 1162.**—Dr. C. S. Raman has been re-nominated by the Government of Madras, as a member of the Dental Council of India under clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948) with effect from the 12th April, 1959.

[No. F.6-10/59-MI(MII).]

**S.O. 1163.**—Dr. R. Ahmed, D.D.S., F.D.S., R.C.S., F.I.C.D., has been re-nominated by the Government of West Bengal as a member of the Dental Council of India under clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), with effect from the 16th May, 1959.

[No. F.6-10/59-MI(MII).]

R. NARASIMHAN, Under Secy.

**MINISTRY OF TRANSPORT & COMMUNICATIONS****Department of Transport****(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 16th May 1959*

**S.O. 1164.**—In pursuance of clause (a) of sub-section (1) of section 213B of the Indian Merchant Shipping Act, 1923 (21 of 1923), the Central Government hereby declares that the Government of Kuwait has accepted the Safety Convention as

defined in clause (d) of section 213A of the said Act, that is to say, the Convention for the Safety of Life at Sea signed in London on the tenth day of June, nineteen hundred and fortyeight, as amended from time to time.

[No. 46-MA(3)/59.]

S. K. VENKATACHALAM, Dy. Secy.

### Department of Transport

#### (Transport Wing)

*New Delhi, the 18th May 1959*

**S.O. 1165.**—In exercise of the powers conferred by Section 11 of the Bombay Port Trust Act, 1879 (Bombay Act No. VI of 1879), the Central Government are pleased to appoint Shri V. T. Dehejia, I.C.S., Special Secretary to the Government of Bombay, Political & Services Department, as Chairman of the Bombay Port Trust with effect from the date he assumes charge of the post, *vice* Shri L. T. Gholap, I.C.S.

[No. 8-PE(27)/59.]

NAKUL SEN, Jt. Secy.

## MINISTRY OF IRRIGATION AND POWER

### ORDER

*New Delhi, the 7th May 1959*

**S.O. 1166.**—With a view to accommodate the Neyveli Lignite Corporation (P) Ltd., in respect of the use of the special type of Mobile Transfer Conveyors for the purpose of the highly mechanised opencast operation in the lignite mines at Neyveli to be undertaken by the Corporation as explained in the Corporation's application No. 3008DI/59-1, dated the 18th February, 1959, the transfer conveyors requiring.

- (1) transmission and use of 11 K.V., energy with the portable transformer mounted on the mobile transfer conveyors,
- (2) special type of 11 K.V., rubber insulated multi-core (the earth core being un-insulated) embedded in a conducting rubber matrix, but unarmoured or un-screened flexible trailing cable of a total length of 2,000 feet,
- (3) a portable 11 K.V./400 volts, 3 phase main power transformer mounted on the portable transfer conveyors for supply of 3 phase, 400 volts energy to the ancillary equipments and drives,
- (4) un-armoured and un-screened, 3 core, 400 volts, flexible cables in permanent fixture generally in conduits except in certain parts where the cable could not be encased in metallic casing to permit the movement of the swings, booms and other parts.
- (5) four core un-armoured and un-screened, 400 volts, trailing cable for supply of energy to the driving motors of the transfer feeder which is a close associate and electrical sequence with the system in use for ancillary equipments and drives of the transfer feeder conveyors,
- (6) replacement of any defective electric lamps installed in permanent position in the portable transfer feeder while the lighting circuit is alive,

the Central Government, in exercise of the powers conferred on them by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, hereby directs that the provisions of—

- (1) the main provision of Rule 118,
- (2) sub-rule (1), clause (a) of Rule 119,
- (3) sub-rules (5), (6), (7) and (8) of Rule 123,
- (4) sub-rule (g) of Rule 122,
- (5) sub-rule (5) of Rule 125,

of the said Rules shall be relaxed subject to the following conditions:

- (a) the 11 K.V., system in conjunction with the mobile transfer conveyors shall be controlled by a circuit-breaker of requisite over-current protection and provided with suitable earth-leakage protection,
- (b) the 11 K.V., trailing flexible cables shall be attached at all ends by suitable bolted type connectors,
- (c) no un-authorised person shall handle the 11 K.V., flexible trailing cable. Any damage noticed on the cable shall be forthwith properly repaired by vulcanisation of the cable replaced.
- (d) the trailing flexible cable at 11 K.V., shall be adequately protected from mechanical damages and the same should be kept clear of all obstruction and vehicular traffic,
- (e) the 11 K.V., trailing flexible cable shall be examined once in 24 hours by competent persons,
- (f) the earth continuity of 11 K.V., system should be ensured and maintained as far as possible at low resistance,
- (g) the 400 volts system should be covered by suitable earth-leakage protection,
- (h) the 400 volts flexible trailing cables, either in conduits or un-cased in use in the transfer feeder should be adequately taken care of for mechanical damages,
- (i) the lay-out of these cables shall not encounter any obstruction. Any damage noticed anywhere in these flexible cables should be forthwith efficiently vulcanised or the portion replaced. These cables shall be attached at all ends by means of bolted type plug connectors,
- (j) efficient earth continuity of the 400 volts system should be ensured and maintained at a low resistance,
- (k) while replacing any electric lamps installed in the mobile transfer conveyors with the circuit alive, all necessary precautions against danger should be taken and such replacement shall be carried out by authorised and competent persons,
- (l) the entire electrical installation, including the flexible trailing cables used in the system at 11 K.V., 400 volts or 110 volts, shall be adequately supervised by competent persons duly authorised in this behalf, who shall regularly inspect the systems so as to obviate any danger.

[No. E.L. III-3(5)/59.]

N. S. VASANT,  
Officer on Special Duty.

## MINISTRY OF WORKS, HOUSING AND SUPPLY

*New Delhi, the 13th May 1959*

**S.O. 1167.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules for regulating the recruitment to the posts of Junior Field Officers (Technical) in the headquarters office of the Director General of Supplies and Disposals, New Delhi.

### RULES

1. **Short title.**—These rules may be called the Junior Field Officer (Technical) (Directorate General of Supplies and Disposals) Recruitment Rules, 1959.

2. **Recruitment and other matters relating thereto.**—The number, classification, pay scales, method of recruitment and other matters pertaining to the posts of Junior Field Officers (Technical) in the headquarters office of the Directorate General of Supplies and Disposals, New Delhi, shall be as shown in the relevant columns of the schedule appended to these rules.

[No. ES.II-49(16)/58.]

R. RAJAGOPALAN, Under Secy.



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**MINISTRY OF LABOUR & EMPLOYMENT**

*New Delhi, the 13th May 1959*

**S.O. 1168.**—In pursuance of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the Audited Accounts for the year 1957-58 of the Employees' State Insurance Corporation are hereby published for general information.

## EMPLOYEES' STATE INSURANCE CORPORATION

*Income and Expenditure Account for the Year ended 31st March, 1958*

INCOME			EXPENDITURE		
Head of Account	Amount		Head of Account	Amount	
	Rs.	Rs.		Rs.	Rs.
By Contributions :—			I. Benefits to insured persons and their families.		
Employers' Share only . . . . .	2,83,41,328·01		A.— <i>Medical Benefits.</i>		
Employees' Share only . . . . .	3,52,35,953·69		(i) Payments to State Govts. etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc. . . . .	1,61,79,991·12	
TOTAL CONTRIBUTIONS . . . . .	6,35,77,281·70		TOTAL A.—MEDICAL BENEFITS . . . . .	1,61,79,991·12	
<i>Other Heads of Revenue</i>			B.— <i>Cash Benefits.</i>		
Interest and Dividends . . . . .	..	30,46,560·93	(1) Sickness Benefits . . . . .	1,72,81,200·36	
Compensations . . . . .	..	..	(2) Maternity Benefits . . . . .	5,17,197·09	
Rents, Rates and Taxes . . . . .	..	14,875·74	(3) Disablement Benefits . . . . .	29,75,219·91	
Fees, Fines & Forfeitures . . . . .	..	13,007·71	(4) Dependants' Benefits . . . . .	5,44,500·00	
Miscellaneous . . . . .		59,769·27	TOTAL B.—CASH BENEFITS . . . . .	2,13,18,117·36	
			C.— <i>Other Benefits.</i>		
			(i) Provision of Artificial Limbs . . . . .	23,098·33	
			(2) Medical Boards . . . . .	24,895·00	
			(3) Fees paid for post mortem examination of insured persons . . . . .	123·01	
			(4) Payments to insured persons on account of conveyance charges and/or loss of wages . . . . .	12,467·21	
			(5) Miscellaneous . . . . .	4,574·23	
			TOTAL C.—OTHER BENEFITS . . . . .	65,157·78	
			TOTAL I.—BENEFITS TO INSURED PERSONS AND THEIR FAMILIES . . . . .	..	3,75,63,266·26

2.—Administration Expenses.

A.—Superintendence.

(1) Corporation, Standing Committee, Regional Boards, etc.	7,083·61
(2) Principal Officers	1,15,074·39
(3) Other Officers	5,79,617·85
(4) Ministerial Establishment	18,63,500·99
(5) Class IV Servants	3,06,440·74
(6) Contingencies	8,85,629·44

TOTAL A.—SUPERINTENDENCE . . . 37,57,347·02

B.—Field Work.

(1) Officers	1,01,207·53
(2) Ministerial Establishment	16,30,892·87
(3) Class IV Servants	2,99,105·55
(4) Contingencies	2,80,336·41

TOTAL B—FIELD WORK . . . 23,11,542·36

C.—Other Charges.

(1) Legal Charges	25,595·20
(2) Insurance Courts	5,121·45
(3) Publicity & Advertisement	26,014·72
(4) Charges for maintaining Banking Accounts	12,733·78
(5) Audit Fees	16,670·00
(6) Repair, Maintenance and Depreciation, etc.	25,850·00
(7) Miscellaneous	50·67

TOTAL C.—OTHER CHARGES . . . 1,12,035·82

TOTAL 2.—ADMINISTRATION EXPENSES . . . 61,80,925·20

TOTAL CARRIED OVER . . . 6,67,11,495·35

TOTAL CARRIED OVER . . . 4,37,44,191·46

1	2	3	4	5
	Rs.		Rs.	Rs.
TOTAL BROUGHT FORWARD . . .	6,67,11,495·35	TOTAL BROUGHT FORWARD . . .		4,37,44,191·46
		<i>Interest on Loans.</i>		
		Interest paid to the		
		Employees' State		
		Insurance Provident		
		Fund . . .	45,907·00	
		<i>Add—</i> Interest accrued		
		but not received on		
		investments of		
		Provident Fund ba-		
		lances in the past		
		year written back		
		after deducting in-		
		terest received dur-		
		ing the year . . .	9,598·70	55,505·70
		TOTAL EXPENDITURE ON		
		REVENUE ACCOUNT . .		4,37,99,697·16
		To excess of Income		
		over Expenditure c/o		
		to Balance Sheet . .		2,29,11,798·19
TOTAL . . . . .	6,67,11,495·35	TOTAL . . . . .		6,67,11,495·35

NEW DELHI ;  
Dated the 30th May, 1958,

V. R. MAHADEVAN,  
Chief Accounts Officer,  
Employees State Insurance Corporation.

# EMPLOYEES' STATE INSURANCE CORPORATION

Balance Sheet as on 31st March, 1958.

Liabilities		Assets	
	Amount		Amount
	Rs.	Rs.	Rs.
<i>Employees' State Insurance Corporation Provident Fund.</i>		<i>Lands and Buildings (wholly owned by the Corporation).</i>	
As per last balance sheet . . .	11,09,373·31	As per last balance sheet . . .	10,28,167·77
Add—Amount credited during the year . . .	5,40,650·90	<i>Lands &amp; Buildings (jointly owned by the Corporation and State Govts.—Corporation's share).</i>	
	16,50,024·21	(a) <i>Hospital &amp; Dispensaries.</i>	
Less—Payments made during the year . . .	72,485·00	As per balance sheet . . .	
		Additions during the year . . .	1,12,500·00
<i>Deposits of securities e.g. by Contractors.</i>		(b) <i>Equipments for Hospitals, etc.</i>	
As per last balance sheet . . .	12,968·50	As per last balance sheet . . .	
Add—Deposits during the year . . .	38,260·01	Additions during the year . . .	5,339·09
	51,228·51		
Less—Deposits repaid during the year . . .	13,750·13	<i>Suspense (Advance for construction of Hospital, etc. made).</i>	
<i>Deductions from bills payable to other parties</i>		As per last balance sheet . . .	2,85,942·25
As per last balance sheet . . .	576·19	Add—Payments made during the year . . .	1,55,700·00
Add—Deduction made during the year . . .	85,328·03		
	85,894·22		
Less—Payments made during the year . . .	85,474·50	Less—Adjustments made during the year . . .	4,41,642·25
			1,12,500·00
<i>Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund.</i>		<i>Permanent Advance to the Heads of Offices of the Corporation.</i>	
As per last balance sheet . . .		As per last balance sheet . . .	7,772·44
Add—Amount credited during the year . . .	291·00	Add—Payments made during the year . . .	2,007·44
<i>Miscellaneous Deposits.</i>			
As per last balance sheet . . .	40,181·92		9,779·88
Less—Deposits repaid during the year . . .	34,515·22	Less—Recoveries made during the year . . .	887·87
			8,892·01
TOTAL CARRIED OVER . . .	16,21,395·01	TOTAL CARRIED OVER . . .	14,84,041·12

Liabilities	Amount	Assets	Amount
	Rs.		Rs.
<b>TOTAL BROUGHT FORWARD</b>	16,21,395·01	<b>TOTAL BROUGHT FORWARD</b>	14,84,041·12
<i>Depreciation Reserve Fund of buildings for the offices of the Corporation.</i>		<i>Advance of pay on transfer to the employees of the Corporation.</i>	
As per last balance sheet	78,096·61	As per last balance sheet	4,753·50
<i>Add—Provision made during the year</i>	11,281·56	<i>Add—Payments made during the year</i>	18,557·50
(Excludes Rs. 918·44 on account of net interest accrued but not received in previous year written off after taking into account the interest received during the year).			
<i>Repairs and Maintenance Reserve Fund of building for the offices of the Corporation.</i>		<i>Less—Recoveries made during the year</i>	23,311·00
As per last balance sheet	86,355·11		21,411·05
<i>Add—Provision made during the year</i>	14,260·04	<i>Advance of T.A. on transfer to the employees of the Corporation.</i>	
(Includes Rs. 610·04 on account of interest received from investments of the balance).	1,00,615·15	As per last balance sheet	5,246·12
<i>Less—Payments made for repairs</i>	551·53	<i>Add—Payments made during the year</i>	17,829·00
<i>Permanent (partial and Total) Disablement Benefit Reserve Fund.</i>			
As per last balance sheet	28,95,253·81	<i>Less—Recoveries made during the year</i>	23,075·12
<i>Add—Provision made during the year</i>	15,85,951·10		19,691·28
(Includes Rs. 82,451·10 on account of interest received from investments of the balance).	44,81,204·91	<i>Advance for purchase of conveyance to the employees of the Corporation.</i>	
<i>Less—Payments made during the year</i>	3,09,446·70	As per last balance sheet	29,850·31
<i>Dependents' Benefit Reserve Fund</i>		<i>Add—Payments made during the year.</i>	29,190·98
As per last balance sheet	9,48,235·48		
<i>Add—Provision made during the year</i>	5,75,533·96	<i>Less—Loans recovered during the year</i>	59,041·29
(Includes Rs. 26,033·96 on account of interest received from investments of the balance)	15,23,769·44	<i>Miscellaneous advances to the employees of the Corporation (festival advances)</i>	22,592·52
		As per last balance sheet	604·50
		<i>Add—Payments made during the year</i>	5,642·50
		<i>Less—Recoveries made during the year</i>	58,247·00
			56,243·68
		<i>Miscellaneous Advances.</i>	
		As per last balance sheet	2,72,959·62
		<i>Add—Payments made during the year</i>	41,741·89
			3,14,701·51
<i>Less—Payments made during the year</i>	1,32,978·16	<i>Less—Receipts during the year</i>	81,273·62
	13,90,791·28		2,33,427·89

*Income and Expenditure account*

Excess of Income over Expenditure as per last balance sheet	11,61,79,777·66	
Add—Balance of excess of income over expenditure during the year 1957-58	2,29,11,798·19	13,90,91,575·85

*Advance payments on behalf of State Governments.*

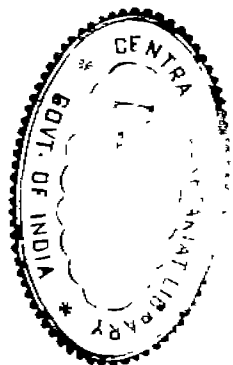
As per last balance sheet	1,078·50	
Add—Payments made during the year	1,384·12	
	2,462·62	
Less—Recoveries made during the year	977·77	1,484·85
Advance to the Reserve bank of India for purchase of Securities.		
As per last balance sheet		
Add—Payments made during the year	2,04,50,061·40	
Less—Adjustments made during the year	2,04,50,001·55	59·85
Interest on investments accrued but not received.		
As per last balance sheet	43,704·75	
Less—Adjustments for the previous year	43,704·75	Nil.
Interest on investments accrued but not due.		
As per last balance sheet	10,59,456·75	
Less—Adjustments for the previous year	10,59,456·75	Nil.
Income-tax deduction receivable.		
As per last balance sheet	1,03,437·00	
Add—Income-tax deductions during the year	2,26,798·46	3,30,235·46
Investments at cost.		
(a) Depreciation Reserve fund of buildings for the offices of the Corporation.		
As per last balance sheet	63,280·50	
Add—Investments made during the year	14,572·44	77,852·94

TOTAL CARRIED OVER

14,64,64,962·14

TOTAL CARRIED OVER

20,70,837·99



Liabilities	Amount	Assets	Amount
	Rs.		Rs.
TOTAL BROUGHT FORWARD	14,64,64,962·14	TOTAL BROUGHT FORWARD	21,70,837·99
		(b) <i>Repairs and Maintenance Reserve Fund of buildings for the Offices of the Corporation.</i>	
		As per last balance sheet . . . . .	70,334·44
		Add—Investments made during the year . . . . .	15,753·99
			86,088·43
		(c) <i>Permanent (Partial &amp; Total) Disablement Benefit Reserve fund.</i>	
		As per last balance sheet . . . . .	16,19,123·87
		Add—Investments made during the year . . . . .	12,61,107·70
			28,80,231·57
		(d) <i>Dependants' Benefit Reserve fund.</i>	
		As per last balance sheet . . . . .	4,93,813·31
		Add—Investments made during the year . . . . .	4,48,595·14
			9,42,408·45
		<i>Remittances.</i>	
		As per last balance sheet . . . . .	4,500·00
		Add—Debits adjusted during the year . . . . .	9,03,74,112·52
			9,03,78,612·52
		Less—Credits adjusted during the year . . . . .	9,03,61,612·52
			17 000·00



*Cash Balance.*

(a) Investments		Rs.	
(i) <i>E.S.I.C. Provident fund.</i>			
As per last balance sheet		9,24,336·81	
Add—Investments during the year		3,90,000·01	
		13,14,336·82	
Less—Realisation on maturity or sale of investments		28,500·00	12,85,836·82
(ii) <i>General Cash Balances.</i>			
As per last balance sheet		11,01,53,589·39	
Add—Investments during the year		3,63,16,402·46	
		14,64,69,991·85	
Less—Realisation on maturity or sale of investments		1,29,59,112·62	13,35,10,879·23
(b) <i>Cash Balance.</i>			
Cash in hand and with Bankers		55,71,679·65	14,03,68,395·70
TOTAL	14,64,64,962·14	TOTAL	14,64,64,962·14

NEW DELHI ;  
Dated 30th May, 1958.

V. R. MAHADEVAN  
Chief Accounts Officer,  
Employees' State Insurance Corporation.

CERTIFICATE OF AUDIT

Certified that subject to the remarks in the audit note this Balance Sheet is in my opinion a full and fair Balance Sheet containing all necessary particulars drawn up and according to the best of my information and explanation given to me and as shown by the books of the Corporation it exhibits a true and correct view of the State of the Corporation affairs. Information and explanation required have been furnished by the Officers of the Corporation and have been found satisfactory except to the extent mentioned in the Audit Report.

(Sd.) A. S. GUPTA,  
Assistant Accounts Officer,  
Outside Audit Department (Civil) Central  
Revenues.

[No. F.HI-4(9)/59.]  
BALWANT SINGH, Under Secy.

*New Delhi, the 13th May 1959*

**S.O. 1169.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Andhra Pradesh Flying Club, Begumpet Airport, Hyderabad (Deccan), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 16th November, 1957.

[No. P.F.II-9(10)/58.]

*New Delhi, the 16th May 1959*

**S.O. 1170/PWA/Mines Sec. 8(4).**—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby proposes to extend sub-section (4) of section 8 of the said Act, to all classes of persons employed in mines to which the Mines Act, 1952 (35 of 1952) applies.

Any objections or suggestions which may be received in respect of the proposed extension before the 25th August, 1959 will be considered by the Central Government. Such objections or suggestions may be addressed to "The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi."

[No. Fac. 50(82)/58.]

*New Delhi, the 18th May 1959*

**S.O. 1171.**—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956, to the establishment known as Messrs. Pharmed Private Limited, 252/54, Dr. Annie Basant Road, Worli, Bombay-18, there was in existence a provident fund common to the employees employed in the establishment, to which the said Act applies and the employees in their other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid establishments,

#### SCHEDULE

1. Messrs. Pharmed Private Ltd., Head Office, Pharmed House, 141, Fort Street, Bombay-1.
2. Messrs. Pharmed Private Ltd., Branch Office, Mercantile Buildings, 10-Lal Bazar, Calcutta.
3. Messrs. Pharmed Private Ltd., Branch Office, Mehta Building, Outside Turkman Gate, New Delhi.
4. Messrs. Pharmed Private Ltd., Branch Office, Mohan Mansion, 19, Govindappa Naicken Street, Madras.

[No. PF. II. 7(12)/59.]

P. D. GAIHA, Under Secy.

*New Delhi, the 14th May 1959*

**S.O. 1172.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhowra Colliery and their workmen.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 4 OF 1959

Employers in relation to the Bhowra Colliery

AND

Their Workman.

PRESENT.—Shri Salim M. Merchant, B.A., LL.B., Chairman, Central Government Industrial Tribunal, Dhanbad.

*Dhanbad, dated the 5th May, 1959*

## APPEARANCES:

Shri Prosanta Burman, Vice President, Eastern Coal Company's Collieries Workers Union, for the workmen.

Shri D. Narsingh, Advocate, instructed by Shri S. S. Kapur, Welfare Officer, for the Employers.

State: Bihar

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LRII-2(132)58, dated the 10th January, 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above-named in respect of the following matters specified in the following Schedule to the said Order:—

## Schedule:

(i) Whether the management of M/s. Bhowra Colliery was justified in dismissing Shri Lakhan Singh, Timber Mazdoor?

(ii) If not, to what relief he is entitled?

2. After the usual notices were issued on the parties, the Secretary, Eastern Coal Company's Collieries Workers' Union (hereinafter referred to as the Union) filed its statement of claim on 23rd January 1959 and the Company filed its written statement in reply on 13th February 1959, after which the matter was fixed for hearing and after two adjournments were obtained by parties the hearing was concluded on 3rd April 1959.

3. It is admitted that Lakhan Singh on the date of his dismissal, which took effect from 23rd June 1958, was a permanent employee of the Bhowra Colliery and was working as a Timber Mazdoor. According to the Union, Lakhan Singh was one of its active members and because this Union is not recognised or liked by the management, the latter had tried to harass, intimidate and victimize Lakhan Singh. According to the Union the management had previously wrongfully terminated his services, but due to the efforts of the Union he was directed to be reinstated in service by an order of the Labour Appellate Tribunal made in May 1957; that even after his reinstatement the management had tried to intimidate Lakhan Singh by issuing false charge sheets and warning letters, with a view to prepare the ground for his ultimate dismissal. The management, however, denies any knowledge of Lakhan Singh's trade union activities and according to it the services of Lakhan Singh had been terminated on the earlier occasion because he had been guilty of the misconduct of having remained absent for about 15 days without leave or permission and that in his complaint under section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950, the Labour Appellate Tribunal, had upheld the management's action but recommended the management to take a lenient view of the matter and therefore the management agreed to take him back in service, with continuity of service, but without back wages. According to the management he was then working as a shot-firer, which is a category III post but was taken back in service as Timber Mazdoor, which is a category II post. The Union, has, however, pointed out that this had not reduced his wages, as he continued to get as Timber Mazdoor, the same wages as he was paid as Shot Firer.

4. Be that as it may, the events leading up to his dismissal in June 1958, which forms the subject of this Reference, are that on 21st May 1958, the management served charge sheet No. 106/58 upon Lakhan Singh charging him with the three misconducts of (1) that on 20th May 1958, when he was working

in the second shift, he came out of the mine at 9 P.M. whilst the shift ends at 10 A.M. (2) wilful negligence and disobedience of the instructions of the Overman in as much whilst he was instructed to fit up two cross bars and three timbers in the machine faces of the 7th level in the rise section, he fitted only one prop (vertical) and one cross bar; that the prop was not properly fitted and the cross-bars were not properly coggled and tightened; that immediately after he left the mine 7 timbers were found available in the mine—8, near the working faces and one at the shaft bottom. (3) that he threatened the sirdar that he (Lakhan Singh) would implicate him and shall get him charge-sheeted by false allegations if he checked up his work and brought his negligence to the notice of the Manager or other superiors.

5. I may pause here and state that identical charge-sheets containing identical charges were also issued on the same day against Bhudan Gope, Timber Mistry of Pit No. 5 (Charge-sheet No. 105/58) and against Ankur Roy, another Timber Mazdoor, who was also working under Bhudan Gope along with Lakhan Singh (Charge-sheet No. 107/58).

6. To this charge-sheet Lakhan Singh replied on 21st May 1958, stating that as Timber Mazdoor he had to carry out the instructions of the Timber Mistry; that on 20th May 1958, he had attended his duty at the schedule time and that he had come out when his mistry had come out; that it was difficult for him to state the actual time when he came out of the mine but at that time his shift was ending and other workers were coming out after finishing their duties. He denied all the other charges, stating that they were false. He submitted that he had not violated any provisions of the Standing Orders or had neglected his duty. He prayed that the charges against him be withdrawn.

7. I may pause here and state that it is admitted that the Timber Mistry, Bhudan Gope, Ankur Roy, the other Timber Mazdoor and Lakhan Singh had come up together at about 9 P.M. on 20th May 1958.

8. Ankur Roy submitted the same reply to the charge-sheet as was submitted by Lakhan Singh. Shri Bhudan Gope in his reply also denied all the 3 charges.

9. After notice an enquiry on these charge-sheets was held on 24th May 1958 by the Welfare Officer of the Company, who in his report found Bhudan Gope guilty of all the three charges levelled against him and found Lakhan Singh, and Ankur Roy guilty of the 1st and 2nd charges, but not of the third charge. Thereafter, orders were passed dismissing Budhan Gope and Lakhan Singh from service, but Ankur Roy was punished with ten days suspension from service.

10. The dismissal order against Lakhan Singh stated:

"..... please note that charges Nos. 1st and 2nd stand proved against you beyond doubt. Also you tried to suppress the truth deliberately. You are herewith dismissed from the services with immediate effect." .....

11. Against this dismissal order Budhan Gope and Lakhan Singh made separate appeals as provided for in the Standing Order to the Group Agent of the Collieries, but the same were rejected.

12. Against the order of dismissal from service of Lakhan Singh, the Union thereafter raised an industrial dispute and had it referred to the Conciliation Officer (C) who held conciliation proceedings and in his failure report expressed the opinion that the management was not justified in imposing a higher punishment upon Lakhan Singh than what it had imposed against Ankur Roy and recommended to the management to take back Lakhan Singh in service, but the management did not accept his suggestion and thereafter he was pleased to refer this dispute to adjudication.

13. I may state that it is admitted that there was no evidence at the enquiry to establish the third charge of having threatened the Sirdar against Lakhan Singh and Ankur Roy and that that charge was noted as withdrawn against them.

14. In support of its contention that the dismissal of Lakhan Singh was not justified, the Union has urged two main arguments: (1) that the enquiry held by the management had not conformed with rules of natural justice and in any case had not established that Lakhan Singh had been guilty of charge No. 2 and that therefore the dismissal order which is based on his having been guilty of both charges No. 1 and 2 was not sustainable; (2) that the punishment of dismissal against Lakhan Singh was not *bona fide* and had amounted to discrimination, amounting to unfair labour practice as for the same misconducts Ankur Roy had been punished with only seven days suspension.

15. Now, the record of the enquiry held by the Welfare Officer on 24th May 1958 was called for by the Union and is on the record. At the enquiry the management led the evidence of 3 prosecution witnesses. The first witness to be examined was K. N. Singh, Overman. Two statements of his are on record as Annexures B(1) and B(1-a). Now, statement B(1) bears the counter-signature of only Budhan Gope and his statement B(1-a) bears the counter-signatures of only Lakhan Singh and Ankur Roy. The second witness examined was Beni Singh, Mining Sirdar. Two statements of his also on record being Annexures B(ii) and B(ii-b). Now, the statement marked B(ii) is counter-signed by Budhan Gope only and Statement B(ii-b) is counter-signed by Lakhan Singh and Ankur Roy. The third witness was one S. S. Sansoy, R. C. No. 9 Pit and he made only one statement and that is Annexure B(iii). Now, the Union's case is that only statement B(i-a) of Overman K. N. Singh, statement B(ii-b) of Mining Sirdar Beni Singh and statement of Shri S. S. Sansoy (B-III) were recorded in the presence of Lakhan Singh and Ankur Roy to prove the charges against them and in those statements these witnesses have only referred to the 1st charge of their having been found at the pit top at 9 P.M. and there was not a word in these statements to establish the second charge against them of wilful negligence and disobedience of the instructions of the overman. Now, it is admitted that Statements (B.I-a), (B.II-b) and (B.III), only relate to what these witnesses stated regarding the first charge only and there is not a word in those statements to support the second charge.

16. The Company admits that the first statement of witness K. N. Singh, Overman (B-I) as also the first statement of witness Beni Singh, Mining Sirdar (B-II), were recorded when Lakhan Singh and Ankur Roy, were not present, but the management's explanation is that these two accused were late in attending the enquiry and that when they came these two witnesses were again examined in their presence, and their earlier statements (B-I) and (B-II), were read out to them. The Union has denied this and stated that only the second statements (B.I-a) and (B.II-b) were recorded in their presence and read over to Lakhan Singh and Ankur Roy, and not their earlier statements. The Union contends that the first statements of witnesses K. N. Singh and Beni Singh (B-I) and (B-II) were recorded in the absence of Lakhan Singh and Ankur Roy as they were in respect of the case against Budhan Gope and in order to establish the charges against him and those were not statements made by those witnesses in the charges against Lakhan Singh and Ankur Roy and that the evidence of those two witnesses (B.I-a) and (B.II-b) in their cases had not established charge No. 2 against them. As against this the Company has referred to the statement recorded in (B.I-a) and (B.II-b) that the statements of those witnesses were read over to them. According to the Union the statements that were read over were the second statements of those witnesses i.e. (B.I-a) and (B.II-b) and not their earlier statements. The matter is not free from doubt, as, if the earlier statements of these witnesses were read out to them, it is difficult to see why their signatures were also not taken on those earlier statements. The manner in which the enquiry was held suggests that the first statements of witnesses K. N. Singh and Beni Singh were really taken to establish the charges against Budhan Gope and not against Lakhan Singh and Ankur Roy. Besides, when these two witnesses made their statements at the enquiry, their cross examination was also confined to charge No. 1 and not a question was put to them on charge No. 2.

17. But even assuming that the first statements of witnesses K. N. Singh and Beni Prosad, were also recorded in the matter of the charges against Lakhan Singh and Ankur Roy and that the same were read over to them, I find that those statements do not contain any statements which establish charge No. 2 against Lakhan Singh and Ankur Roy. In these statements, both witnesses have stated that they had communicated the instructions about fitting up the 2 cross bars and 3 timbers in the machine face of 7th level in the rise section only to the Timber Mistry and not to the Timber Mazdoors viz. Lakhan Singh or Ankur Roy. Shri D. Narsingh, the learned Advocate for the Company had to concede at the hearing that witness Kedar Singh, Overman, in his first statement (B.I) had not mentioned Lakhan Singh with regard to the second charge and he further concedes that the first statement of Beni Singh (Mining Sirdar) did not refer to Lakhan Singh having disobeyed the order with regard to charge No. 2, but he argued that the Timber Mazdoors must be held guilty of disobeying the order with regard to Charge No. 2 by way of presumption—as the Timber Mistry and these two Timber Mazdoors work as a team. I am not prepared to accept this argument, as there is nothing to show that these Mazdoors ever knew what orders had been issued to the Timber Mazdoor. If this argument was to be accepted then for every failure of a superior officer to carry out orders given to him, all the workmen under that officer would be liable to be punished, even

though they may never have known of any such order having been given to the superior officer. Such a proposition has only to be stated to be rejected.

18. I am, therefore, satisfied that at the enquiry there was no material to establish the second charge against Lakhan Singh and that the finding of the management that he was guilty of that charge is completely baseless and perverse. As the order of dismissal is based on Lakhan Singh having also been found guilty on the second charge, an Industrial Tribunal would be justified in interfering with that order. As observed by their lordships of the Hon'ble Supreme Court:

"Undoubtedly, the management of a concern has power to direct its own internal administration, but the power is not unlimited and when a dispute arises, Industrial Tribunals have been given the power to see whether the termination of service of a workman is justified and given appropriate relief. In cases of dismissal on misconduct the Tribunal does not however sit as a court of appeal and substitute its own judgment for that of the management. It will interfere:

- (i) where there is want of good faith,
- (ii) where there is victimisation or unfair labour practice,
- (iii) when the management has been guilty of a basic error or violation of principle of natural justice, and
- (iv) when on the materials the finding is completely baseless or perverse.

(Indian Iron & Steel Co. Vs. their workmen 1958 I L.L.J. p. 260 at p. 270)

In my view on the second charge this case falls under Item IV.

19. I am also inclined to accept the second contention of the Union. The management justifies the higher punishment of dismissal against Lakhan Singh, as compared with the punishment of seven days suspension against Ankur Roy, though both were served with identical charge-sheets and had offered an identical defence, on the ground that Lakhan Singh had stated an untruth on the 1st charge when he had stated at the enquiry that he had not seen the Manager and others when he came to the pit top along with Budhan Singh, the Timber Mistry and Ankur Roy, whilst Ankur Roy had admitted that he had seen the Manager and others. Now, Lakhan Singh had admitted that he had come to the pit top with the Timber Mistry and Ankur Roy and the fact whether he had seen the Manager or the Overman at that time was really immaterial for the purposes of the enquiry on the first charge. Lakhan Singh in reply to the questions put to him by the Enquiring Officer had stated that he had come up to the pit top as the Timber Mistry under whom he works had also come up and as other workmen of his shift were also leaving. He was then further questioned whether he had seen the Manager and the Overman at the pit top and his reply was that he had not seen them. It is to be noted that he did not say that they were not there, the only thing he stated was that he had not seen them at the pit top. Now, the management had seized on this, to my mind irrelevant and an unimportant answer and has magnified it into, "a deliberate attempt to suppress the truth". In fact, in the dismissal order against Lakhan Singh (Annexure C) after stating that the 1st and 2nd charges had been proved against him beyond doubt—the same remark as was made in the suspension order against Ankur Roy—the management went on to add: "Also you tried to suppress the truth deliberately." A similar remark had been made in the charge-sheet and both in the written statement of the company and at the hearing, it was sought to be argued that for this false statement made by Lakhan Singh the higher punishment of dismissal against him was justified. I am not impressed with this stand taken by the management. I am afraid that the management is trying to make a mountain out of a mole hill in order to get rid of Lakhan Singh. As I have already pointed out this statement was irrelevant and unimportant and was evidently seized upon by the management to get rid of Lakhan Singh. In my opinion this attitude of the management was not *bona fide*.

20. The management has argued that Ankur Roy was given lighter punishment because this was his first offence. Now, it is not so stated in his order of dismissal nor was it established by the management that the past record of Lakhan Singh, justified dismissal. The Union in para. 9 of its written statement of claim has stated that when asked by the Conciliation Officer, the management had failed to produce any evidence to show that the past record of Lakhan Singh was bad. The management in its written statement in reply has nowhere stated that the higher punishment of dismissal against Lakhan Singh was imposed or

was justified because of his past bad record. In its written statement the Company has supported the higher punishment of dismissal on the only ground that he had said an untruth at the enquiry when he had stated that he had not seen the Manger or the Overman when he came up to the pit top. At the hearing also the management did not produce Lakhan Singh's service record or established that he had been punished for misconducts since his re-instatement in service by the order of the Labour Appellate Tribunal. It appears to me that there was really no justification for this discrimination in the punishment meted out to Ankur Roy and Lakhan Singh. It has been held by the Labour Appellate Tribunal in the leading case of Buckingham & Carnatic Mills Ltd. Vs. its workmen (1951 II L.L.J. 314) that it would amount to unfair labour practice if the punishment was discriminatory excessive and unnecessarily harsh compared with the punishment inflicted for the same misconduct on other workmen. Applying that test, I am of the opinion that this is an instance of unfair labour practice.

20. Lakhan Singh was dismissed from service not only because he was found guilty of the first charge but also because he was found guilty of the second charge and as I have found that the finding of guilt on the second charge was baseless or perverse as it was unsupported by evidence at the enquiry, the order of dismissal cannot be sustained. I have also held that the management's action in awarding him a higher punishment for the same misconducts than what it had awarded to Ankur Roy was discriminatory excessive and unnecessarily harsh and had amounted to unfair labour practice. On either of these two findings the dismissal of Lakhan Singh must be held to be not justified. I, therefore, hold on the first issue under reference that his dismissal from service was not justified.

21. The next question to consider is what relief he should be granted. The normal relief when an order of dismissal is found to be unjustified is to order the workman's re-instatement and I am satisfied that this is a fit case for ordering re-instatement. The Union has claimed that he should be re-instated in service with full back wages from the date of the dismissal order i.e. from 23rd June 1958. But I think the ends of justice would be satisfied, if I were to set aside the order of dismissal and order his re-instatement in service with half the wages (basic wage and dearness allowance) from the date of his dismissal to the date of his re-instatement in service. I further direct that Lakhan Singh shall be re-instated in service in his post of Timber Mazdoor on his reporting for duty within 15 days of the date this Award becomes enforceable and he shall be entitled to the benefit of continuity of service. I further direct that the wages (basic plus dearness allowance) from the date of his dismissal i.e. 23rd June 1958 till the date of his re-instatement in service shall be paid to him within 15 days of his being re-instated in service.

22. As the workmen have succeeded, I award Rs. 100 (Rupees one hundred) as costs.

(Sd.) SALIM M. MERCHANT,

Chairman,  
Central Government Industrial Tribunal, Dhanbad.

[No. LR/II/2(182)/58.]

### ORDER

*New Delhi, the 16th May 1959*

**S.O. 1173.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Andhra Cement Company Limited, Vijayawada, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri F. Jeebhoy, as the Presiding Officer, with headquarters at Bombay, and refers the said dispute for adjudication to the said Industrial Tribunal.

## SCHEDULE

(a) Whether the management of Andhra Cement Company Vijayawada were justified in retrenching 165 workmen from their Nadikudi Mines with effect from the 16th March, 1959?

(b) If not, to what relief the workmen are entitled?

[No. LR-II-22(7)/59.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 16th May 1959*

**S.O. 1174.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bihar Bakhtiarpur Light Railway and their workmen.

**BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
AT DHANBAD**

REFERENCE No. 34 of 1958

Employers in relation to the Bihar Bakhtiarpur Light Railway.

AND

Their workmen.

*Dhanbad, dated the 8th May, 1959.*

## PRESENT:

Shri Salim M. Merchant, B.A., LL.B.—*Chairman.*

## APPEARANCES:

Shri Gouri Ram, Government Advocate, with Shri K. K. Prasad Singh, Manager—for the Bihar Bakhtiarpur Light Railway.

Shri D. Narsingh, Advocate, with Shri S. K. P. Sinha, Vice President, Bihar Bakhtiarpur Light Railway Workers' Union—for the workmen.

Industry: Railway.

State: Bihar.

## AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.3(14)/58, dated 29th May, 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order:—

- (1) Whether the strike by the workmen of the Bihar Bakhtiarpur Light Railway with effect from 23rd February 1958 was justified and if so, to what relief the workmen are entitled?
- (2) Whether the notice issued by the Chairman of the said Railway in March 1958 to the workmen amounts to the closure of the said Railway and if so, to what relief the workmen are entitled?
- (3) Whether the workmen are entitled to provident fund and gratuity and if so, on what scale and subject to what conditions?

2. The General Secretary, Bihar Bakhtiarpur Light Railway Workers' Union (hereinafter referred to as the Union) filed the written statement of claim on behalf of the workmen on 15th July 1958, and the written statement in reply on behalf of the management, signed by the Chairman, District Board, Patna and the Manager, Bihar Bakhtiarpur Light Railway, (hereinafter referred to as the Railway), was filed on 18th August 1958, after which the hearing was fixed for 21st August 1958, but on the joint application of the parties on the grounds of convenience of parties the hearing was adjourned to 10th October 1958 to be held at Rajgir. Thereafter, from time to time the parties obtained adjournments stating that a Sub-Committee had been appointed to settle this dispute, but



finally they informed me in March, 1959, that settlement had not been possible, and the dispute was thereafter heard by me at Dhanbad on 1st and 2nd April, 1959.

3. The Bihar Bakhtiarpur Light Railway which has been operating since 1903, is a 33 mile narrow gauge railway connecting Bakhtiarpur, a station on the Eastern Railway at a distance of 30 miles from Patna, with the pilgrim centres at Nalanda and Rajgir. It was managed till October 1948 by Martin Burn and Co. and formed part of the narrow gauge, railway known as Martin Light Railway. In November, 1948, the shareholders of the Bihar Bakhtiarpur Light Railway Co. Limited terminated the managing agency of the Martin Burn and took over direct management of the railway through a Board of Directors of which one Shri M. Yunus was the Chairman. It appears that the railway was running on the District Board's road side land and the lease had a stipulation that the District Board would be entitled to purchase the entire railway assets after 7 years. It is stated that in June 1950 when the railway administration under Shri M. Yunus had almost collapsed because of the mis-management, the District Board in exercise of the option, purchased the entire assets of the railway for about Rs. 30 lakhs and since then the railway is run and managed by it. It appears that at the time the railway was taken over by the District Board, Patna, the wages of the workmen for certain months were in arrears and the workmen had also a claim for their Provident Fund and gratuity dues from October, 1947 to June, 1950. The District Board paid the wages which were in arrears but it is the complaint of the workmen that it did not set aside funds to cover the provident fund and gratuity dues of the workmen for the said period from October 1947 to June 1950.

4. Even under the management of the District Board, Patna the affairs of the railway did not improve. With dwindling resources the District Board found it impossible to implement the suggestions made by the railway experts and the Government Inspector of Railways for proper maintenance of the railway and its efficient or safe working. It appears that on 27th June, 1956 a deputation from the railway, which included representatives of the workmen, headed by the Chairman, District Board, Patna, waited on the Chief Minister to the Government of Bihar and submitted a memorandum (Annexure 'G'). In the memorandum the management and the workmen jointly prayed that either adequate funds be made available for the completion of all the arrears of repairs, replacement and renewals to enable the railway to run efficiently or in the alternative the Bihar Government should hand over the Bihar Bakhtiarpur Light Railway to the Railway Board without charging any price or compensation and free of all obligations. But nothing tangible resulted. Thereafter the Government Inspector of Railways in his annual report for the year ending 31st March, 1957, recommended the closure of the railway on the ground that it was not being efficiently run nor was its running safe. A meeting of the District Board Railway Committee was held on 14th February, 1958, at which the President and the General Secretary of the Union were also present. The minutes of that meeting are on record. (Annexure 'H' to the workmen's statement of claim). At that meeting suggestions were made for the closure of the railway by a definite date. The representatives of the workmen had requested that they should be permitted to represent their difficulties to the Government of Bihar, their difficulties being that their salary, allowances, travelling allowances and other dues were in arrears and the railway was not being properly run and had reached a stage when it might cease to function any day. The last paragraph of the minutes records as follows:—

"Details of the income, expenditure, liabilities, power position, and track position was placed by the Manager and from all these it is apparent that it would not be necessary to fix any particular date for its closure, but if the Government do not help it instantly it may be closed automatically by the first of April, 1958."

It appears that thereafter a deputation from the District Board waited on the Hon'ble Chief Minister of Bihar State on 18th February, 1958 and again on 25th February, 1958 when they were assured that he had recommended acquisition of the railway by the Railway Board.

5. In the meantime, on 4th February, 1958 the union addressed the following telegram to the Chief Minister, the Labour Minister and other authorities of Bihar State as also to the President and the Prime Minister of India, and the Labour Minister, Railway Minister and Chief Labour Commissioner of the Central Government.

"In Republican Government staff of the Bihar Bakhtiarpur Light Railway with families starving (—). Payment of two months salaries, five months allowances, one year lifting bills held up (—). 8 years Provident fund untraceable (—) retired employes debarred of their Provident fund and gratuity (—). Security of service at stake (—) praying immediate enquiry and payment."

Thereupon, the Labour Inspector (C), Patna was asked by the Regional Labour Commissioner (C), Dhanbad, to make enquiries into the grievances of the workmen. The Labour Inspector after making enquiries from the office of the Railway at Patna submitted his report on 20th February, 1958 (Annexure A to the Union's statement of claim). From that report it appears that the salaries of the staff was not being paid them each month within the statutory periods but they were being paid, "after undue delay and much agitation on their part"; that the salary of the most of the staff was in arrears from 1st December or 16th December, 1957; that the management had admitted that the Board has to pay each month Rs. 32,000 as staff pay for which they do not have sufficient money and consequently there had been a delay in payment of salary this time also. From this report of the Labour Inspector it is found that:—

#### *Salaries*

- (i) The salaries of the workmen were in arrear from either the 1st or 16th December, 1957. Management admitted that they had no funds to pay their dues.

#### *Travelling allowance*

- (ii) Since September, 1957, travelling allowance amounting to Rs. 1,000 was in arrear. Management stated that they had no funds to pay this amount.
- (iii) *Handling (lifting) bills of the Station Masters working as parcel handling contractors amounting to Rs. 1,400 due from January 1957 till 20th February, 1957.* The management stated that there were no funds to arrange this payment.
- (iv) *Provident Fund account since 25th June, 1950 when the District Board, Patna took over the administration of the Railway:—*The Provident Fund account including the employers contribution amounting to Rs. 2,03,919-40 should have been deposited in the Post Office savings bank account. But of this only a sum of Rs. 70,487-52 nP., including employers contribution, had so far been deposited in the Post Office on this account, and that a sum of Rs. 1,33,431-88 nP. on account of the Provident Fund was not traceable and it was for the auditors to explain how this money had been spent. The Inspector stated that the manager of the railway could not say anything on this point.
- (v) *Non-payment of Provident Fund and gratuity to the retired employees:—*19 retired employes had not been paid their Provident Fund and gratuity dues so far. It was also ascertained that an employee by name Shri Niranjan Nath who had retired so far back as on 1st June, 1955 had not been paid his Provident Fund and gratuity and that it was reported that he died recently without having received his dues

The Labour Inspector concluded his report by observing:—

"As already explained in Item No. 1 the manager stated that the working of the railway would be closed from 1st April, 1958 if the Government does not take over the administration or sufficient fund is made available to run the railway. This only confirms that the service of employees are at stake."

6. The next stage in this sorry tale was reached on 23rd February, 1958 when a large majority of the 350 workmen of the railway struck work. Thereafter on 25th February, 1958 the workmen's representations waited in deputation on the Chief Minister to the Government of Bihar, addressed several representations to him and the Central Minister for Railways in which they requested that the railway should be taken over by the Railway Board and they should be absorbed in the service of the Government of India. The strike, however, continued and in March, 1958, the then Chairman, Bihar Bakhtiarpur Light Railway and District Board, Patna, issued a notice addressed to all officers and employees of the railway. This notice does not bear any date but it is admitted from a statement

made therein that it was issued 24 days after the strike had commenced. A copy of the notice has been filed as Annexure F to the written statement of the union and it is admitted on behalf of the railway that this is the notice referred to in the second issue under reference. The notice was served on the members of the staff individually on various subsequent dates. I shall deal with this notice in greater detail later, but would like to state here that in that notice the chairman *inter alia* stated as follows:—

"There is no necessity of passing any order of discharge or dismissal or termination of service but when the railways ceased to function they ceased to be the employees of the railway because with no stretch of imagination it can be contended that they will be paid for their illegal and unlawful act which would be giving a premium to wrong doers in any public service."

To this notice the General Secretary of the Union replied by his letter dated 22nd April, 1958 (Annexure E) in which he denied that the closure of the railways was due to the strike of the workmen. After stating that the wages and other allowances of the workmen had been in arrears for a long period and the Provident Fund dues of the workmen, amounting to about 4½ lakhs of rupees had been utilised for expenditure, he stated that whenever the workmen had demanded their wages the management's reply had been that the railway did not have the capacity to pay the same. He further recorded that the Inspector of Railways had considered the running of the railways unsafe, unless certain urgent repairs were completed; that the Chairman of the District Board had, after the closure of the Railways, publicly blamed the Government for the stoppage, because it had not conceded his request for funds; that in these circumstances when the employees knew that in the event of an accident it is they who would be prosecuted and penalised, when they knew that the head of the organisation was unable either to pay them or to put the Railway in order, there was sudden stoppage of work on 23rd February, 1958, caused by sheer desperation; that the only issue between the employees is payment of all arrears and dues which roughly amounted to six lakhs of rupees; that the railways had collapsed not because of the shortcomings on the part of the employees but, as stated in the Bihar Assembly on behalf of the Government, due to the lack of management by the District Board and that there was no justification for the employees to be penalised for the sins of the management. The letter concluded by observing:—

"You owe the employees, sir, their earnings over these eight years which you have appropriated towards expenditure without their knowledge and consent and we pray that these be paid to them as early as possible, and unless all these dues are paid they shall continue to be the employees of the Bihar Bakhtiarpur Railway."

7. No reply appears to have been given to this letter and thereafter the Central Government made this Reference on 29th May, 1958. It is also significant to note that no order was passed by the Government under section 10(3) of the Act either prohibiting the continuance of the strike or the closure.

8. On or about 20th June, 1958, the District Board managed to secure an advance of Rs. 5 lakhs from the State Government against arrear cess to enable it to run the railways in the public interest and on 21st June, 1958 the Chairman of the District Board issued a statement in which he appealed to all the employees to utilise this aid from the Government, particularly in view of the approaching Rajgir Malmas Mela (Annexure J). He assured the workmen that the payment of the arrears of their salaries, travelling allowance and handling contract dues would be the first thing to be done and that the District Magistrate Patna, would be responsible for the payment. He further informed the workmen that "the discharge notice on any of the employees is vacated provided they immediately report to duties within 5 days from its circulation". It is admitted that the discharge notice referred to in this statement was the Management's notice of March 1958 to which I have referred earlier. He further stated that slippers and other things were being changed immediately to run the railways efficiently by 25th June, 1958.

9. It is admitted that the workmen resumed work on 25th June, 1958 and in July they were paid the arrears of their wages and allowance upto 23rd February, 1958. But prior to joining their duties on 25th June, 1958, on 24th June, 1958, they submitted a draft compromise agreement to be signed by the Chairman (Annexure "P"). This agreement was not signed, but the Chairman of the railway made certain marginal notings on the draft agreement which were to the effect that

in view of his order there would be no victimization and some way would have to be found out about payment between 23rd February, 1958 and 24th June, 1958 and that there would be no break in service of the employees.

10. To continue with the narration of events, on the passing of the Bihar District Boards and Local Boards (Control and Management) Ordinance 1958, a Sub-Committee consisting of 7 members, including Mr. R. P. Sinha, Deputy Collector in charge of District Board, Patna, as Chairman, and Shri K. P. Sinha, Manager, with five representatives of the workmen, was formed to try and dissolve this dispute. At its meeting on 18th October, 1958 all the members of the Sub-Committee, excepting for the Chairman, were of the opinion that the workers should be paid their salaries and wages for the entire period under dispute from 23rd February 1958 to 24th June, 1958, except for one month and three days. The amount so computed amounted to Rs. 94,886.58 nP. The Chairman, however, was of the opinion that considering that the workmen had gone on strike the reasonable thing would be to pay the workmen their wages for half of the total strike period i.e. from 23rd February, 1958 to 24th June, 1958 which would amount to about Rs. 61,364.29 nP. This proposal was submitted to the State Government for its approval, but Government did not accept the recommendations of the Sub-Committee or of its Chairman, as it thought it desirable that the question should be decided by the Tribunal.

11. I now proceed to discuss the three issues under reference on their merits.

*Issue No. 1:*

Whether the strike by the workmen of the Bihar Bakhtiarpur Light Railway with effect from 23rd February, 1958 was justified and if so, to what relief, the workmen are entitled?

The Union in its statement of claim has urged that the strike was not illegal and that it was also justified inasmuch as it was forced upon the workmen in the circumstances narrated above, particularly when their salaries were in arrears since December, 1957, and the travelling allowance and other dues had not been paid for even a longer period and their Provident Fund amounts had been used by the railway administration, without being kept separately in the Postal Savings Bank account as required; that the District Board Patna had no funds to run the railway, and by the date of the commencement of the strike, it had already been decided to close down the railway from 1st April 1958; that the running of the railway had become unsafe and might have resulted in serious accident for which they would be prosecuted and penalised and therefore they were justified in resorting to a strike.

12. The railway in its written statement has submitted that the strike was illegal as it had been resorted to without previous notice as required by section 22 of the Act and that being an illegal strike it could never be held to be justified.

13. Section 22 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the Act) prohibits strikes and lock-outs in public utility services. It is admitted that this being a railway service is a public utility service under section 2(n) of the Act. Now, section 22 of the Act is as follows:—

22. "*Prohibition of strikes and lock-outs.*—(1) No person employed in a public utility service shall go on strike in breach of contract:—

- (a) Without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking, or
- (b) Within fourteen days of giving such notice; or
- (c) before the expiry of the date of strike specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation Officer and seven days after the conclusion of such proceedings."

It admitted that no notice as required by the provisions of section 22 was given by the union before the workmen launched the strike on 23rd February 1958. It is also not denied that the cessation of work from 23rd February 1958 was under a common understanding or a concerted refusal to continue to work or to accept employment, and as such a strike as defined by section 2(q) of the Act. Section 24 provides that a strike or lock-out shall be illegal if it is commenced or declared in contravention of section 22 or 23 of the Act. It was, therefore, argued for the railway that the strike was illegal under section 24 of the Act

because the notice prescribed under section 22(a) and (b) had not been given, this railway being a public utility service. The fact that no notice was given is admitted and this admission is also stated in para. 8 of Annexure 'E' being the letter dated 22nd April 1958 addressed by the General Secretary of the Union to the Chairman of the Bihar Bakhtiarpur Light Railway and District Board, Patna where it was stated that:—

"in these circumstances, when the employees knew that in the event of an accident it is they who would be prosecuted and penalised, when they knew that the Head of the Organisation was unable either to pay them or to put the Railway in order, there was a sudden stoppage of work on 23rd February 1958 caused by sheer desperation"

There is thus a virtual admission that the strike was illegal as no previous notice as prescribed by section 22 of the Act was given.

I would therefore hold that the strike was illegal under section 24 of the Act as it was resorted to without notice as prescribed by Section 22 of the Act, this being a public utility service.

14. It was however argued by Mr. Gouri Ram, learned Advocate appearing for the railway, that where a strike is illegal it must as a necessary consequence be held that the strike was also not justified. He has argued that the non-payment of wages etc., would have justified the giving of a strike notice under section 22, but could not justify the strike.

15. The question referred to this Tribunal is not whether the strike was legal or illegal but whether the strike was justified and if held to be justified whether the workmen are entitled to any relief. Shri Gouri Ram the learned Advocate for the management has urged that once the strike is held to be illegal, it must necessarily be held that it is unjustified. According to him an illegal strike can never be held to be justified. I am afraid this bold proposition cannot be accepted. There are several decisions of the Labour Appellate Tribunal where strikes though illegal were held to be justified. In the dispute between Caltex (India) Ltd. and their workmen (1955—II—L.L.J. 693) the Labour Appellate Tribunal at page 698 observed as follows:—

"Of course no industrial tribunal can show its approval of any such illegal action of the workers who must bear the serious consequences which are expressly prescribed by law for such action, but that cannot prevent such a tribunal to look into the surrounding circumstances to see if the action of the workers was unprovoked and frivolous or whether the workers had a substantial cause for grievance; for the redress or ventilation of which they have chosen the illegal course they have adopted and in this respect, whether the strike, though illegal, was justified."

In the Punjab National Bank Ltd. case, (1952—II—L.L.J. p. 648; 1953 L.A.C.P. 1) another Bench of the Labour Appellate Tribunal observed:

"An illegal strike absolves the liability of the employer to pay wages during the period of absence of the striking workmen (Mahalaxmi Cotton mills Vs. its workmen—1952—II. L.L.J. 635) but the question before us is whether his absence entitles the employers to put an end to his service" It does not when the strike is not illegal whether justifiable or not [Smith Stainstreet & Co. Vs. Its workmen: Appeal (Cal.) No. 37 of 1951 decided on 22nd August 1951—1953. I.L.L.J. 677], but the converse proposition does not necessarily follow when the strike is illegal. A strike may be illegal, on account of contravention of section 22 or 23 of the Act, though it may be perfectly justified or a strike though illegal by reason of these provisions may be the result of provocation on the part of the employer or such a strike may last for a very short time. Modern concepts of social justice would be outraged if in such cases the employer could dismiss a workman for his mere absence due to his participation in such a strike. Such concepts also require that a workman should be protected from capricious or vindictive action on the part of the employer whatever be the nature of his lapse. Moreover, having regard to conditions of the labouring class and of labour relation, as is generally prevalent in India now, it would not, in our opinion

be conducive to industrial peace if an employer is given a right and *a fortiori* an unfettered right to dismiss a workman for the absence due to his more participation in such a strike as is contended by Mr. Sanyal on behalf of the bank. If, however, the particular workman who joined the strike is guilty of violent acts or subversive activities, such as destruction or attempted destruction of employer's property, intimidation of or coercion on loyal employees etc. the position would be different but, in such cases, the workman should be individually dealt with and the particular workman should be apprised of the precise charge against him and should be given a chance to have his say in the matter before he can be dismissed."

16. No doubt those cases related to the question of dismissal of workmen who had resorted to an illegal strike, but the point is that in these and several other decisions of the Labour Appellate Tribunal it has been recognised that a strike which is illegal under the Act, because of the violations of sections 22 or 23 of the Act, nevertheless may be held to be justified and the question that has been referred to me is whether the instant strike though illegal was justified in the facts and circumstances of the case.

17. In the case *Osmanshahi Mills Ltd. and its workmen* (1959—II—L.L.J. p. 187 at page 192) the learned Industrial Tribunal Shri I. G. Thakore has, referred to the following observations of the Labour Appellate Tribunal in the case of *Caltex (India) Ltd., Madras* (1955—II—L.L.J. p. 698) as to what amounts to justification. 'The learned Tribunal observed:—

"When a strike, legal or otherwise, is found to be justified in the sense in which this term is used by industrial tribunals, what is normally meant by that finding is not that there is complete justification for the strike, or that the authority in judging the nature of the strike, approbates the action of the workers in going on strike under the circumstances; and in a case like the present the strike being illegal and against the express prohibition, imposed by law, a finding of complete justification of the strike or approbation of the conduct of the workers participating therein is impossible for any Tribunal. Apart from any drastic step the employer might be entitled to take in law in consequence of the strike, not only does the law in positively disapprove and prohibit such action, but it imposes penalties for the same and also from time to time serious disabilities in many respects have been provided by the legislature for workers who participate in such an illegal strike. The justification if any, which can therefore, be looked for in such case, can only be a relative justification, such as can be found when the workers have reason to entertain a *bona fide* un-redressed grievance, which under the circumstances in which they happen to be placed is found to be such as to make them feel that course left to them to redress their grievance effectivcly and without undue delay in some stoppage of work."

18 I am in respectful agreement with this view of the learned Tribunal and would apply this test in deciding whether the strike was justified or not

19. The facts and circumstances in favour of holding the strike justified are: (1) The salaries and wages of the workmen were in arrear from December, 1958. (2) Certain allowances due to them were in arrear for even a longer period. (3) Their Provident Fund contributions along with the Railway's contribution thereto had not been set aside in the Savings Bank Account as required, but had been used for expenses of the railway. (4) The District Board was admittedly not in a financial position either to pay the wages which were in arrears or to pay them future wages if they had continued in service. (5) The railway had reached a state of collapse due to mis-management by the District Board as admitted by Government in the State Legislative Assembly. (6) The working of the railway was in an unsafe condition, which would in the case of an accident have exposed the workmen to prosecution and penalty. (7) The District Board Railway Committee had at its meeting held on 14th February 1958 already decided to close down the railway from 1st April 1958 if Government did not come to its assistance. (8) The workmen by their telegram dated 4th February 1958, addressed to various state and Central Government Ministers and authorities had prayed for arrangements being made for payment to them of their wages and allowances in arrears and for securing their Provident Fund amounts which had been used up for railway expenditure.

20. These circumstances in my opinion make out a strong case for holding that the strike was justified.

21. On the other hand, Shri Gauri Ram has argued that all these reasons would have been good grounds for giving a strike notice under section 22, but would not justify the strike, which was illegal for want of statutory notice of strike in a public utility service like this railway. He has relied upon the judgment of the Patna High Court in the case of the State of Bihar *Versus* Deodhar Jha and others [A.I.R. 1958 (Patna) p. 51] where their Lordships have pointed out that the intention of the legislature in enacting section 22 was to provide safeguards in Public utility services, as it would otherwise result in inconvenience to the society and general public. Shri Gauri Ram has argued that because of this sudden strike the working of the railway stopped suddenly adding enormously to its financial difficulties and that it put the public and the community to great inconvenience and therefore serious notice should be taken of this conduct of the workmen, who were liable under section 26 of the Act to be criminally prosecuted for it. Shri Gauri Ram has relied upon the decisions of the Labour Appellate Tribunal in the cases of the Mahalaxmi Cotton Mills (1952. L.A.C.P. 370) and (2) Bharat Airways (1953-54 V. F. J. R. p. 481) where the demand for wages for the period of the illegal strike was refused.

22. There is no doubt that Tribunals must take strong notice of illegal strikes in public utility services, and in my opinion a claim for wages for the period of an illegal strike in a public utility service though justified cannot be looked upon with sympathy. It was, however, pleaded on behalf of the workmen that the workmen's telegraphic appeal of 4th February 1958 and subsequent representations had gone unheeded and that they had resorted to a strike in sheer desperation because their wages, allowances and other dues were in arrears and that the failure to give the strike notice was only a technical breach of section 22. That no doubt is a mitigating circumstances but that does not save the strike from being illegal.

23. In this case the dispute under reference covers two distinct periods; the first is from 23rd February 1958 when the strike commenced till 1st April 1958, when by the notice of March 1958 the workmen were discharged from service and the railway completely closed, and the second period is from 1st April 1958 till 25th June 1958, when the workmen were called back to work. The workmen in my opinion can be deemed to have been on strike from 23rd February 1958 till 1st April 1958 and not after that date when they were informed that they stood discharged from service and the railway was closed. The closure of the railway from 1st April 1958 by the notice of 20th March 1958 forms the subject matter of issue No. 2, on which I am holding that this notice amounted to closure and am awarding some compensation to the workmen for the period of closure from 1st April 1958 till 24th June 1958.

24. On issue No. 1, I hold that as the strike though justified was illegal the workers are not entitled to any relief for the period from 23rd February 1958 till the date of the closure of the railway on and from 1st April 1958 by the notice of March, 1958.

25. Issue No. 2, Under Issue No. 2 the question is whether the notice issued by the Chairman of the railway and the District Board, Patna in March, 1958, to the workmen amounts to closure of the railway, and if so, to what relief the workmen are entitled. A cyclostyled copy of this notice of March, 1958 is on record, being Annexure F to the workmen's statement of claim. As I have stated earlier, the notice was issued after 24 days of the commencement of the strike on 23rd February 1958. This would mean that the notice was issued somewhere on or about 19th or 20th March. It is admitted that the cyclostyled copies of the notice were served on the workmen by batches at subsequent dates. In the concluding para of the notice, it was stated:—

"Under these circumstances the Bihar Bakhtiarpur Light Railway is under no liability of any kind to any of the employees who are given the notice. The Bihar Bakhtiarpur Light Railway's liability and responsibility towards them ceased from 23rd February 1953 and with respect to employees in the office aforesaid they will cease from 1st of April, 1958. Government will be informed of his eventuality and order. The question of lock-out does not arise.

Thus, by this notice the Railway was closed with effect from 1st April 1958. This is a curiously worded notice *vis-à-vis* the services of the workmen. But what the management meant by it is indicated in the management's notice dated 21st June 1958 (Annexure J) by which the Chairman of the District Board, Patna, announced that the railway service would commence operation from 25th

June 1958 and called upon the workmen to resume their duties. In that notice the Chairman stated:—

“As the employees stopped work notices of discharge were issued without going into the merits of the strike.”

In that notice it was further observed:—

“The discharge notice on any of the employees is vacated provided they immediately report for duty within 5 days from its circulation.”

Now, it is admitted that this has reference to the Chairman's notice of March 1958. It is thus clear that what the Chairman had done by his notice of March 1958, was to discharge these workmen from service and finally close the railway. It is now well settled law that even during the pendency of an illegal strike the relationship of employers-employee does not cease. It has been held by Labour Appellate Tribunal in a series of cases that the employer cannot terminate the service of employees who are on strike, whether legal or illegal, for mere participation in it, unless they are guilty of acts of violence or subversive activities during the strike, intimidation of or coercion on loyal employees etc. in which latter case the workmen should be individually dealt with and the particular workman should be appraised of the precise charge against him and shall be given a chance to have his say in the matter before he can be dismissed. (See the decisions in 1953 I.L.L.J. 67, 1952 II L.L.J. 648, 1954—II—L.L.J. 372 and 1955 II L.L.J. 404). Applying this test the discharge of the workmen from service by the management notice of March 1958, must be held to be illegal. It is further admitted that the strike throughout was completely peaceful and orderly and there were no acts of violence or subversive activities. The workmen preserved the railway lines in proper working condition as it is proved by the fact that immediately they were called up to work, the railway line was able to function as before.

26. It is most important to remember that at the time when the closure notice of March 1958, was served by the management the District Board was not in a financial position to run the railway or to pay the workmen their wages. As I have pointed out earlier on 14th February, 1958, it had already been decided that the running of the railway would be discontinued from 1st April, 1958, unless Government came to its assistance financially. It will thus be seen that at the time of the notice, the management was not in a position to give employment to these workmen or pay them their wages even if they had called off the strike. The closure of the Railway from 1st April, 1958 was thus really decided upon on 14th February, 1958 and it is clear that irrespective of the strike of the workmen the management was not in a position to run the railway from 1st April, 1958, as it had not been secured the financial assistance which it had asked of the State Government, without which the railway could not possibly be worked. The District Board was in a position to run the railway only after it got the loan of Rs. 5 lakhs from the Government on 20th June, 1958. Besides, from 1st April, 1958, all the workmen had stood discharged from service. I am, therefore, of the opinion that the railway is not justified in throwing the entire blame for the closure of the railway on the workmen, as it sought to do by its notice of March 1958. In my opinion, the statements made in the reply of the Union dated 22nd April, 1958, to which I have referred earlier, is a convincing refutation of that charge.

27. I, therefore, hold on issue No. 2 under reference that the notice issued by the Chairman of the Railway in March 1958 to the workmen amounted to a closure of the railway from 1st April, 1958.

28. The next question to consider is what relief the workmen are entitled to on account of that closure. As I have stated the closure took effect from 1st April, 1958 and was continued till 25th June, 1958, when the workmen resumed work. In considering this question it must be remembered that the District Board on or about 20th June, 1958, managed to secure a loan of Rs. 5 lakhs from the State Government and thereafter it immediately issued its notice of 21st June, 1958, cancelling its notice of discharge of March 1958, and calling the workmen to work and promising payment to them of their wages which were in arrears till 22nd February, 1958. The workmen immediately responded to this notice. I am convinced that the railway could not function from 1st April, 1958, because the District Board had no funds and that the blame for the closure on and from that date till 25th June, 1958 cannot be wholly placed at the doors of the workmen. Besides, the workmen had been illegally discharged from service by the notice of March 1958, and the railway was closed. They could not work during that period even if they had wanted to. In considering the relief to be given to them it must be remembered that the strike was throughout thoroughly peaceful



and there was not a single act of violence or subversion of authority, in fact it was stated and not denied that the workmen had preserved the railway track in good condition, and that the workmen had made it clear that they would return to duty if their wages and allowances which were in arrears upto 22nd February, 1958, were paid to them. The Railway was clearly not in a position to do this and was also not in a position to run the railway. It must further be remembered that on 24th June, 1956, by his remarks on the compromise agreement submitted by the workmen, the Chairman had stated that some way would have to be found for payment for the period from 23rd February, 1958 to 24th June, 1958. In all these circumstances, I think that the responsibility for this period of closure from 1st April, 1958 to 25th June, 1958 should be equally divided between the workmen and the management.

29. The period of closure from 1st April, 1958 to 24th June, 1958 (both days inclusive) is of 2 months and 24 days. Taking all the facts and circumstances of the case into account, I think the ends of justice would be met if I were to award the workmen relief equivalent to 50 per cent. of their wages and dearness allowance for that period i.e. from 1st April, 1958 to 24th June, 1958 (both days inclusive) and I award accordingly. I further direct that the amount should be paid to them within one month of the award becoming enforceable.

30. Issue No. 3.—The issue is whether the workmen are entitled to provident fund and gratuity and if so, on what scale and subject to what conditions.

There is disagreement between the parties as to what this demand exactly means. On this demand the Union's statement of claim states as follows:—

"The workers are entitled under the service condition of the railway to Provident Fund and gratuity, these rules should be enforced immediately.

Provident Fund is deducted from the salary of the workers but no separate account in the Post Office or any Bank has been opened and your kind attention is invited towards it.

Without any justification several workers were retired though they had not completed the prescribed age for retirement.

If permitted, every now and then, I would like to report to you about the individual cases."

31. The company in its written statement has stated on this demand:—

"the question of payment of Provident Fund, Gratuity and salaries for the strike period does not arise as the illegal step taken by the employees themselves caused the railway to cease from operation during the strike period and consequently they also ceased to be in the employ of the railway during the said period. It is submitted that the railway is not liable for the payment of Provident Fund, Gratuity and salaries to its employees during the said period and the payment will mean giving encouragement to the wrong doers by paying for their unlawful and illegal acts."

32. At the hearing of the reference Shri D. Narsingh Advocate for the Union stated that by this demand the workmen do not want any revision of the existing Provident Fund and Gratuity Scheme applicable to the workmen and that the only thing they wanted was that the statement of Provident Fund account of each employee should be forwarded to him within 3 months or other reasonable time and every year such statement should be given at the close of the financial year. It was also urged that a direction should be given by this Tribunal that those who have retired or otherwise become eligible for the Provident Fund and gratuity should be paid the same within a reasonable period. Shri Gouri Ram, the learned Government Advocate for the Railway stated that the issue related to the payment of Provident Fund contribution and gratuity only during this strike period. The management do not deny the liability for Provident Fund contribution and gratuity according to the rules for the period prior to and subsequent to the strike because when the workmen came back to work on 25th June, 1958, continuity of service was guaranteed to them. But he only denied the company's liability for any Provident Fund or gratuity for the period of the strike. It will thus be seen that the language of the demand under reference is mis-leading. As no new Provident Fund and Gratuity Scheme is demanded by the workmen other than what is already in force in the railway, the directions which the union wants me to give do not fall within the ambit of the terms of the reference. The management, however, stated that it would not be responsible for the payment of gratuity and Provident Fund during the period of strike. But

that issue has not been referred to me. On the second issue under reference if the period of the closure from 1st April, 1958 to 24th June, 1958 I have granted the workmen 50 per cent. of their Basic pay and Dearness allowance by way of relief to the workmen. In the circumstances it is not possible to give any direction on issue No. 3.

33. At the same time, I would be failing in my duty if I were not to point out that it is most unfair to the workmen that their Provident Fund amount should have been put in jeopardy by the management and I suggest that immediate steps be taken to set apart their Provident Fund amounts for the past period and the future periods in a separate Bank account and that the Provident Fund money should not be utilised for the other purposes of the railway, and I trust the authorities will act accordingly. I also recommend that within 3 months at the latest each workman should be furnished with a statement showing what amount including the management's contribution stands to the credit of his Provident Account. I also strongly recommend that the District Board Patna and the Government should see to it that those workmen who have ceased to be in service and are entitled to payment of their Provident Fund and or Gratuity dues, are paid the same, without any further unnecessary delay.

34. In the result, on issue No. 1, I hold that the workmen are not entitled to any relief for the period of the strike from 23rd February, 1958 till 1st April, 1958, though there was justification for the strike. On the second issue I hold that the closure of the railway from 1st April, 1958 till 24th June, 1958 was not justified and the workmen by way of relief should be paid half their wages and salaries (Basic pay and dearness allowance) for that period. On issue No. 3 I give no directions as parties were not in agreement as to the exact nature of the dispute involved in the issue.

No order as to costs.

(Sd.) SALIM M. MERCHANT,

[No. LRIV.3(14)/58.]

#### **CORRIGENDUM**

*New Delhi, the 13th May 1959*

**S.O. 1174.**—In the Order of the Government of India, Ministry of Labour and Employment No. S.O. 987, dated the 24th April, 1959, the words "for watchmen" may be added at the end of each of the five items mentioned in Schedule II annexed to the said Order

[No. LR.IV.28(7)/59.]

A. L. HANDA, Under Secy.

#### **MINISTRY OF INFORMATION & BROADCASTING**

*New Delhi, the 16th May 1959*

**S.O. 1175.**—It is hereby notified that Shri D. L. Kothari, Regional Officer, Board of Film Censors at Bombay, shall in addition to his other duties exercise the powers and perform the duties of the Chairman of the said Board under the proviso to rule 7 of the Cinematograph (Censorship) Rule, 1958 with effect from the 18th May, 1959, *vice* Shri M. D. Bhat granted leave.

[No. 2/25/59-FC.]

D. R. KHANNA, Under Secy.